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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Air Regs., Amdt. 18-2]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

REQUIRED RECORDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October 1958.

A notice of proposed rule making was published in the FEDERAL REGISTER March 13, 1958 (23 F. R. 1737) and circulated to the industry as Economic Regulations Draft Release No. 92, dated March 7, 1958, which proposed to amend Part 18 to bring the maintenance record requirements into accord with the widespread use of the approved system of continuous maintenance and the increased complexity of modern aircraft and their components. In addition, it was proposed to make such changes as were necessary to achieve consistency with corresponding record retention provisions in Part 249 of the Economic Regulations, "Preservation of Air Carrier Accounts, Records and Memoranda."

Accordingly, concurrently with the amendment of Part 249, the maintenance record provisions of § 18.24 of Part 18 are being amended to require retention for at least one year of records of all maintenance performed. In addition to this requirement, the records of the last complete overhaul cycle for each aircraft and its components must also be kept available at all times, when an approved maintenance system is used. The latter retention requirement recognizes the widespread use by air carriers of the approved system of continuous maintenance and is intended to insure that one complete set of the most recent overhaul records for each aircraft and its components will be available for inspection and accident investigation purposes. Any procedure which does not insure the availability of one complete set of records covering the last complete overhaul cycle for each aircraft will not be deemed to have met the record retention requirements which apply in the case of aircraft maintained in accordance with an approved continuous maintenance system.

In adopting this amendment the Board has considered and finds unacceptable the suggestion that the records of overhaul be retained in accordance with a "sampling" inspection procedure. Such suggestion would not insure that complete records for each aircraft would be available for accident investigation purposes.

With respect to records of major structural repairs and alterations, the retention requirements are being amended to require retention of such records until the aircraft is sold, in which case the records are to be transferred with the aircraft, or, if the aircraft is retired, for one year from the date of cancellation of the registration certificate.

A new provision is being added to provide for the retention of records of X-rays, and other special tests specified by the Administrator, which relate to aircraft components designated by the Administrator as "critical" components as, for example, the records of special tests conducted on propellers. There are propellers used on conventional air carrier aircraft which are of such a critical nature as to require, during manufacture and periodically throughout their useful life, examination by such means as X-ray and sonic tests, among others. Furthermore, it is anticipated that many more of the components of turbine-powered aircraft which the air carriers will be using in significant numbers in the near future will be of such a critical nature, due to high speeds and stresses, as to require special examinations and tests periodically throughout their useful life. The Board considers it essential that those components of conventional and turbine-powered aircraft which are of a critical nature be in a safe condition for use. This amendment will give greater assurance of the safety of components designated by the Administrator as "critical" by requiring the records of special tests to be retained by the air carrier until such components are sold or, if retired, for one year from the date of retirement or the cancellation of the registration certificate, if registered.

The foregoing record requirements are considered necessary to enable the Board and the Administrator to discharge fully their respective accident

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FEDERAL REGISTER

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investigation and safety regulatory responsibilities.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F. R. 1737), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) as follows effective November 5, 1958.

By amending § 18.24 by designating the existing provision as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 18.24 Provisions for air carrier records. * * *

(b) The registered owner or operator of air carrier aircraft shall retain records for each such aircraft and its components as follows:

(1) Retain all records of major structural repairs and major alterations until the aircraft is sold, in which case the records shall be transferred to the new registered owner or operator. In the event that the aircraft is retired, the records shall be retained for one year after the date of cancellation of the registration certificate.

(2) Retain for at least one year records of all maintenance performed: *Provided*, That, when an approved continuous maintenance system is used, the records of the last complete overhaul cycle for each aircraft and its components must also be retained and be available at all times. In the event that the aircraft and its components is sold, the records shall be transferred to the new registered owner or operator.

(3) Retain all records of X-rays, and other special tests specified by the Administrator, which relate to aircraft components designated by the Administrator as critical components until such components are sold, in which case the records shall be transferred to the new owner or user. In the event that such components are retired, such records shall be retained for one year from the date of retirement or the date of cancellation of the registration certificate, if registered.

The record keeping requirements contained herein have been approved by the Bureau of the Budget.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 702, 52 Stat. 1007, 1010, 1013, as amended; 40 U. S. C. 551, 555, 582)

By the Civil Aeronautics Board.
[SEAL] MABEL McCART,
Acting Secretary.
[F. R. Doc. 58-8230; Filed, Oct. 6, 1958;
8:49 a. m.]

[Civil Air Regs., Amdt. 40-14]
PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

REQUIRED RECORDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October 1958.

A notice of proposed rule making was published in the *FEDERAL REGISTER* March 13, 1958 (23 F. R. 1737) and circulated to the industry as Economic Regulations Draft Release No. 92 dated March 7, 1958, which proposed to bring up to date the record requirements of Part 40 of the Civil Air Regulations and make them consistent with corresponding record retention provisions in Part 249 of the Economic Regulations.

Accordingly, concurrently with the amendment of Part 249, the record provisions of Part 40 are being amended. Since the record retention requirements in Part 40 will be consistent with corresponding requirements in Part 249 and §§ 40.501 through 40.511 each contain language requiring compliance therewith, there is no longer any necessity for § 40.500 and it is being deleted.

The retention period for manifests required by § 40.505 is being increased from "60 days" to "3 months" to accord with the retention requirement for manifests prescribed in Part 249.

Although it was proposed to change the retention period for maintenance releases required by § 40.511 from "60 days" to "3 months," it has been determined that the present period of retention will be adequate. However, the words "2 months" are being substituted for "60 days" to bring the language into accord with that used in Part 249.

Finally, a new § 40.512 is being added to require records of radio contacts by or with pilots en route to be maintained. Consistent with the retention period prescribed in Part 249 for such records, § 40.512 provides that they shall be retained for a period of 30 days.

The foregoing record requirements are considered necessary to enable the Board and the Administrator to discharge fully their respective accident investigation and safety regulatory responsibilities.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F. R. 1737), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) as follows effective November 5, 1958.

1. By deleting § 40.500.
2. By amending § 40.505 by deleting "60 days" from the last sentence and inserting in lieu thereof "3 months".
3. By amending § 40.511 by deleting "60 days" from the last sentence and inserting in lieu thereof "2 months".
4. By adding a new § 40.512 to read as follows:

§ 40.512 *Communication records.* Each air carrier shall maintain, and retain for a period of 30 days, records of radio contacts by or with pilots en route.

The record keeping requirements contained herein have been approved by the Bureau of the Budget.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 605, 702, 52 Stat.

1007, 1010, 1013, as amended; 49 U. S. C. 551, 555, 582)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-8231; Filed, Oct. 6, 1958; 8:49 a. m.]

[Civil Air Regs., Amdt. 41-20]

PART 41—CERTIFICATION AND OPERATION
RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

REQUIRED RECORDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October 1958.

A notice of proposed rule making was published in the *FEDERAL REGISTER* March 13, 1958 (23 F. R. 1737), and circulated to the industry as Economic Regulations Draft Release No. 92 dated March 7, 1958, which proposed to bring up to date the record requirements of Part 41 of the Civil Air Regulations and make them consistent with corresponding record retention provisions in Part 249 of the Economic Regulations.

Accordingly, concurrently with the amendment of Part 249, the record provisions of Part 41 are being amended to delete the obsolete provisions of § 41.133 and to insert in lieu thereof a provision to require records of radio contacts by or with pilots en route to be maintained. Consistent with the retention period prescribed in Part 249 for such records, it is provided that they shall be retained for a period of 30 days. In addition, the provisions of § 41.99 are being amended to reduce the retention period for maintenance releases from "90 days" to "2 months" and to substitute the words "3 months" for "90 days" with respect to clearances and manifests. These amendments will bring the retention provisions in § 41.99 into accord with the corresponding provisions of Part 249.

The foregoing record requirements are considered necessary to enable the Board and the Administrator to discharge fully their respective accident investigation and safety regulatory responsibilities.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F. R. 1737), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) as follows effective November 5, 1958.

1. By amending § 41.99 by deleting the last sentence and inserting in lieu thereof the following: "The original copies of such forms shall be given to the pilot in command. Duplicate copies of maintenance releases shall be kept for at least 2 months and duplicate copies of clearances and load manifests shall be kept for at least 3 months in the station file."

2. By deleting present § 41.133 and inserting in lieu thereof the following:

§ 41.133 *Communication records.* Each air carrier shall maintain, and retain for a period of 30 days, records of radio contacts by or with pilots en route.

The record keeping requirements contained herein have been approved by the Bureau of the Budget.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 605, 702, 52 Stat. 1007, 1010, 1013, as amended; 49 U. S. C. 551, 555, 582)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-8232; Filed, Oct. 6, 1958; 8:49 a. m.]

Subchapter B—Economic Regulations

[Reg. ER-237]

PART 249—PRESERVATION OF CARRIER ACCOUNTS, RECORDS AND MEMORANDA

SAFETY RECORD RETENTION REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October 1958.

A notice of proposed rule making was published in the *FEDERAL REGISTER* March 13, 1958 (23 F. R. 1737) and circulated to the industry as Economic Regulations Draft Release No. 92, dated March 7, 1958, which proposed to amend Part 249 to insure the incorporation in Part 249 of all of the air carrier safety record retention requirements which appear in the Civil Air Regulations, and to bring up to date the provisions in § 249.11 (f) "Schedule of Records" dealing with maintenance and overhaul records and transportation records.

Specifically, the record retention provisions under "Maintenance and Overhaul" in the "Schedule of Records" are being amended to require retention of records of all maintenance performed for at least one year. This amendment also requires that the records of the last complete overhaul cycle for each aircraft and its components be kept available at all times when an approved continuous maintenance system is used. The latter retention requirement recognizes the widespread use by air carriers of the approved system of continuous maintenance and is intended to insure that one complete set of the most recent overhaul records for each aircraft and its components will be available for safety regulation and accident investigation purposes. Any procedure which does not insure the availability of one complete set of records covering the last complete overhaul for each aircraft will not be deemed to have met the record retention requirements which apply in the case of aircraft maintained in accordance with an approved continuous maintenance system. In adopting this amendment the Board has considered and finds unacceptable the suggestion that the records of overhaul be retained

in accordance with a "sampling" inspection procedure. Such suggestion would not insure that complete records for each aircraft would be available for accident investigation purposes.

With respect to records of major structural repairs and alterations, the retention requirements are being amended to require retention of such records until the aircraft is sold, in which case the records are to be transferred with the aircraft, or, if the aircraft is retired, for one year from the date of cancellation of the registration certificate.

A new provision is added to provide for the retention of records of X-ray and other special tests specified by the Administrator relating to aircraft components designated by the Administrator as "critical" components, as for example the records of X-ray and other tests conducted on propellers. As with propellers, it is anticipated that many of the components of turbine-powered aircraft that air carriers will be using in significant numbers in the near future will be of such a critical nature, due to high speeds and stresses, as to require special tests periodically throughout their useful lives. The Board considers it essential that those components of conventional and turbine-powered aircraft which are of a critical nature be in a safe condition for use. This amendment will give greater assurance of the safety of components designated by the Administrator as "critical" by requiring that the records of special tests be retained by the air carrier until such components are sold or, if retired, for one year from the date of retirement or the cancellation of the registration certificate, if registered. There is also added, a provision to require maintenance releases to be retained for a period of two months and a provision to require retention for two years of shippers' certifications of explosives and other dangerous articles, when the labels used do not provide for certification thereon.

Finally, this amendment removes from the "Schedule of Records" the present requirement in Category 402 pertaining to the retention of copies of reports made to the Board and other regulatory bodies of accidents involving aircraft and certain mechanical, powerplant and structural failures, since retention of such reports is no longer necessary in the light of existing reporting requirements.

The retention periods established by this amendment for safety records are considered the minimum periods necessary to enable the Board and the Administrator to discharge fully their respective accident investigation and safety regulatory responsibilities.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends

Part 249 of the Economic Regulations (14 CFR Ch. I) effective November 5, 1958, as follows:

1. By amending § 249.8 by adding at the end thereof a new sentence to read as follows: "However, maintenance and overhaul records (Categories 350 through 352) and transportation records (Categories 400 through 404) shall be retained in accordance with the periods indicated

for their retention in the 'Schedule of Records' set forth in § 249.11 (f)."

2. By amending the "Schedule of Records" in § 249.11 (f) by deleting the provisions dealing with maintenance and overhaul records (Categories 350 and 351) and transportation records (Categories 400 through 402) and by inserting in lieu thereof provisions to read as follows:

MAINTENANCE AND OVERHAUL

Category of records	Period to be retained	Microfilm indicator
350. Records (excluding job expense distribution detail):		
(a) All maintenance performed	1 year	M
(b) Last complete overhaul cycle for each aircraft and its components when approved continuous maintenance system is used	Current	M
(c) Major structural repairs and alterations	Until equipment is sold or, when retired, 1 year from cancellation of registration	M
(d) Critical aircraft components	Until component is sold or, when retired, 1 year from date of retirement or date of cancellation of registration, if registered	M
351. Time in service records of all aircraft, engines, propellers, and appliances	Current	M
352. Maintenance release	2 months	M

TRANSPORTATION

400. Individual trip reports: ¹		
(a) Operations data—certificated air carriers:		
(1) Dispatch release or clearance forms	3 months	
(2) Pilots' trip logs	do	
(3) Flight engineers', radio operators', and navigators' trip logs	do	
(4) Flight plans	do	
(5) Radio contacts by or with pilots en route	30 days	
(6) Weather forecasts and reports	3 months	
(7) Weight and balance reports (load or flight manifests)	do	
(b) Operations data—irregular and supplemental air carriers: All records set forth in paragraph (a) of this section, excluding item (5).	1 year	
401. List of all aircraft being operated in air transportation	Current	M
402. Records and reports (internal and memoranda) incident to aircraft accidents	Until disposal is authorized by Civil Aeronautics Board	M
403. Shippers' certifications of explosives and other dangerous articles, when labels used do not provide for certification thereon	2 years	M
404. Crew member and dispatcher qualification and flight time records	3 months after termination of employment	M

¹ Refer to § 249.11 (e).

The record keeping requirements contained herein have been approved by the Bureau of the Budget.

(Sec. 205, 52 Stat. 994; 49 U. S. C. 425. Interpret or apply secs. 407, 601, 605, 702, 52 Stat. 1000, 1007, 1010, 1013, as amended; 49 U. S. C. 487, 551, 555, 582)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F. R. Doc. 58-8233; Filed, Oct. 6, 1958; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 600—DESIGNATION OF CIVIL AIRWAYS ALTERATIONS

The purpose of this amendment is to provide for the use of abbreviated sym-

bols in the place of full names for navigational facilities included in the descriptions of designated airspace. The use of these symbols will greatly reduce the amount of descriptive information necessary to designate airspace.

This amendment will not alter Part 600 substantively, but will affect only form and procedure. Because of this, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and this amendment shall become effective when published in the FEDERAL REGISTER.

1. Section 600.2 is amended to read as follows:

§ 600.2 *Explanation of terms.* As used in this part, terms shall be defined as follows:

(a) The United States shall mean the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial

waters thereof) and the overlying airspace, but shall not include the Canal Zone.

(b) The continental United States shall mean all of the several States of the United States (including the District of Columbia) and the territorial waters and the overlying airspace thereof.

(c) "Civil airway" shall mean a path through the navigable airspace of the United States, identified by an area on the surface of the earth, suitable for interstate, overseas, or foreign air commerce. Civil airways are classified as follows:

(1) Colored civil airways: (i) Green civil airways, (ii) Amber civil airways, (iii) Red civil airways, (iv) Blue civil airways.

(2) VOR civil airways: (i) Even numbered civil airways, (ii) Odd numbered civil airways.

(d) "Mile" shall mean statute mile unless otherwise specified in this part. (e) All bearings shall be true from the point of origin.

(f) "INT" shall mean intersection.

(g) "RBN" shall mean radio beacon.

(h) "VOR" shall mean very high frequency omnirange station.

(i) "RR" shall mean low or medium frequency radio range station.

(j) "VORTAC" shall mean collocated VOR and TACAN.

(k) "TACAN" shall mean military tactical air navigational aid.

(l) "CONSOLAN" shall mean low frequency long range navigational aid.

(m) "FM" shall mean fan marker.

(n) "ILS" shall mean instrument landing system.

(o) "TVOR" shall mean very high frequency terminal omnirange station.

(p) "OM" shall mean instrument landing system outer marker.

(q) "MM" shall mean instrument landing system middle marker.

(r) "Lat." shall mean latitude.

(s) "Long." shall mean longitude.

(t) "VHF" shall mean very high frequency.

(u) "N" shall mean North.

(v) "NE" shall mean Northeast.

(w) "E" shall mean East.

(x) "SE" shall mean Southeast.

(y) "S" shall mean South.

(z) "SW" shall mean Southwest.

(aa) "W" shall mean West.

(bb) "NW" shall mean northwest.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

OCTOBER 1, 1958.

[F. R. Doc. 58-8209; Filed, Oct. 6, 1958; 8:45 a. m.]

[Amdt. 18]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATIONS

The purpose of this amendment is to simplify the definition of a positive control route segment and to provide for the use of abbreviated symbols in the place of full names for navigational facilities included in the descriptions of designated airspace. The use of these symbols will greatly reduce the amount of descriptive information necessary to designate airspace.

This amendment will not alter Part 601 substantively, but will affect only form and procedure. Because of this, compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act is unnecessary and this amendment shall become effective when published in the FEDERAL REGISTER.

1. Section 601.2 is amended to read as follows:

§ 601.2 Explanation of terms. As used in this part, terms shall be defined as follows:

(a) The United States shall mean the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof) and the overlying airspace, but shall not include the Canal Zone.

(b) The continental United States shall mean all of the several States of the United States (including the District of Columbia) and the territorial waters and the overlying airspace thereof.

(c) "Continental control area" shall mean the airspace above 24,000 feet, mean sea level, within the continental United States as designated in § 601.7101, within which air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(d) "Control area" shall mean the airspace within an area designated in Subparts B and C of this part, extending upward from an altitude of 700 feet, above the surface, but not including the airspace within that area designated as the continental control area. Within a control area air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(e) "Control zone" shall mean the airspace within an area designated in Subpart D of this part, extending upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas are prescribed in Part 60 of this title, for protection of air traffic.

(f) "Positive control route segment" shall mean the airspace, designated in Subpart I of this part, within which air traffic is controlled in accordance with the provisions of Special Civil Air Regulations 424 of Part 60 of this title.

(g) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported in accordance with the requirements of § 60.47 of this title.

(h) "Mile" shall mean statute mile unless otherwise specified in this part.

(i) All bearings shall be true from the point of origin.

(j) "INT" shall mean intersection.

(k) "RBN" shall mean radio beacon.

(l) "VOR" shall mean very high frequency omnirange station.

(m) "RR" shall mean low or medium frequency radio range station.

(n) "VORTAC" shall mean collocated VOR and TACAN.

(o) "TACAN" shall mean military tactical air navigational aid.

(p) "CONSOLAN" shall mean low frequency long range navigational aid.

(q) "FM" shall mean fan marker.

(r) "ILS" shall mean instrument landing system.

(s) "TVOR" shall mean very high frequency terminal omnirange station.

(t) "OM" shall mean instrument landing system outer marker.

(u) "MM" shall mean instrument landing system middle marker.

(v) "Lat." shall mean latitude.

(w) "Long." shall mean longitude.

(x) "VHF" shall mean very high frequency.

(y) "N" shall mean North.

(z) "NE" shall mean Northeast.

(aa) "E" shall mean East.

(bb) "SE" shall mean Southeast.

(cc) "S" shall mean South.

(dd) "SW" shall mean Southwest.

(ee) "W" shall mean West.

(ff) "NW" shall mean Northwest.

2. The introductory sentence contained in § 601.8001 is amended to read as follows:

§ 601.8001 Positive control route segments. The portions of civil airways described in this subpart between 17,000 feet and 22,000 feet (mean sea level) inclusive, including all controlled airspace embraced within them, are designated as positive control route segments.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

OCTOBER 1, 1958.

[F. R. Doc. 58-8210; Filed, Oct. 6, 1958; 8:45 a. m.]

[Amdt. 89]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Note: Where the general classification (L/MPR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE DATE OF DECOMMISSIONING OF BYT-LFR, EFFEC. 23 OCT. 58.

City, College Station; State, Tex.; Airport Name, Easterwood; Elev., 329'; Fac. Class, SBMLZ; Ident., BYT; Procedure No. 1, Amdt. 3; Eff. Date, 25 May 57; Sup. Amdt. No. 2; Dated, 22 Apr. 54

Joliet VOR.....	JOT-LFR.....	Direct.....	1800	T-dn.....	300-1	300-1	
				S-dn-13.....	400-1	400-1	
				C-dn.....	600-1	600-1	
				A-dn.....	NA	NA	

Procedure turn S side of W crs, 270° Outbd, 600' Inbd, 1900' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 126-3.2.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi, make right turn, climb to 2000' on SW crs within 20 mi.

CAUTION: Airport without weather reporting services.

City, Joliet; State, Ill.; Airport Name, Joliet; Elev., 380'; Fac. Class, SBRAZ; Ident., JOT; Procedure No. 1, Amdt. 3; Eff. Date, 24 Sep. 58; Sup. Amdt. No. 2; Dated, 11 Jan. 58

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

HUA TVOR.....	ITS-RBn.....	Direct.....	2300	T-dn.....	300-1	300-1	300-1
HUA RBn.....	ITS-RBn.....	Direct.....	2300	C-d.....	900-1	900-1	900-1 1/2
BEV VOR.....	ITS-RBn.....	Direct.....	2500	C-n.....	100-2	900-2	900-2
				A-dn.....	1000-2	1000-2	1000-2

Procedure turn E side of crs, 167° Outbd, 347° Inbd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 347-3.2 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on crs of 351° from ITS-RBn or R-351 of HUA-TVOR within 20 miles.

Note: Procedure not approved for civil use.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 679'; Fac. Class, RBn; Ident., ITS; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Sep. 58.

				T-dn.....	300-1	300-1	200-1 1/2
				C-dn.....	600-1	600-1	600-1 1/2
				A-dn.....	NA	NA	NA

Procedure turn N side of crs, 090° Outbd, 240° Inbd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 miles, climb to 1300' on crs of 240° within 10 miles of XAC "H" facility.

Notes: Facility must be monitored aurally during this approach. This procedure authorized for temporary use utilizing a "BMH" facility located on the airport, during the shutdown of the Nantucket VOR for conversion to VORTAC.

City, Nantucket; State, Mass.; Airport Name, Memorial; Elev., 48'; Fac. Class, BMH; Ident., XAC; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE WITH RELOCATION OF FACILITY—AUGUST 25, 1958.

City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 84'; Fac. Class, BVOR; Ident., SNS; Procedure No. 1, Amdt. 3; Eff. Date, 3 Sep. 55; Sup. Amdt. No. 2; Dated 30 Apr. 53

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED DUE TO THE DECOMMISSIONING OF THIS FACILITY, EFFECTIVE 26 SEPTEMBER 1958. REPLACED BY CAA FACILITY.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 463'; Fac. Class, VOR; Ident., LRP; Procedure No. TerVOR-8, Amdt. 1; Eff. Date, 21 Jul. 56; Sup. Amdt. No. Orig.; Dated, 5 May 56

Lancaster Int.	Lancaster VOR	Direct	2000	T-dn	300-1	300-1	NA
Lancaster Rbn	Lancaster VOR	Direct	2000	C-dn	500-1	500-1	NA
Landville Int*	Lancaster VOR (Final)	Direct	800	S-dn-S	400-1	400-1	NA
				A-dn	800-2	800-2	NA

*Int Lancaster VOR R-208 and 180° ADF bring to LRP Rbn.

Procedure turn South side of crs, 268° Outbd, 088° Inbd, 2000' within 10 miles. Beyond 10 miles NA.

Minimum altitude over facility on final approach crs, 800'.

Maintain 1300' until after passing Landville Int. If aircraft not equipped to identify Landville Int*, ceiling minimum of 800' is applicable for landing.

Crs and distance, breakoff point to app end of Rwy 8, 070°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 2000' on R-088 within 10 miles and return to VOR at 2000'.

CAUTION: 1490' tower 16 miles SW of airport.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 463'; Fac. Class, VOR; Ident., LRP; Procedure No. TerVOR-8, Orig.; Eff. Date, 26 Sep. 58

PROCEDURE CANCELLED DUE TO THE DECOMMISSIONING OF THIS FACILITY, EFFECTIVE 26 SEPTEMBER 1958.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 463'; Fac. Class, VOR; Ident., LRP; Procedure No. TerVOR-13, Amdt., Orig.; Eff. Date, 5 May 56

PROCEDURE CANCELLED DUE TO THE DECOMMISSIONING OF THIS FACILITY, EFFECTIVE SEPTEMBER 26, 1958. REPLACED BY CAA FACILITY.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 463'; Fac. Class, VOR; Ident., LRP; Procedure No. TerVOR-31, Amdt. 1; Eff. Date, 21 Jul. 56; Sup. Amdt. No. Orig.; Dated, 5 May 56.

Lancaster Rbn	LRP-VOR	Direct	2000	T-dn	300-1	300-1	NA
Lancaster Int.	LRP-VOR	Direct	2000	C-dn	500-1	500-1	NA
				S-dn-3L	500-1	500-1	NA
				A-dn	800-2	800-2	NA

Procedure turn N side of crs, 136° Outbd, 316° Inbd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 900'.

Crs and distance, breakoff point to app end of Rwy 31, 307°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 2000' on Lancaster VOR R-200 within 10 miles, then make left turn and return to Lancaster VOR at 2000'.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 463'; Fac. Class, VOR; Ident., LRP; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 26 Sept. 58

Watsonville Int#	SNS Int** (Final)	Direct	1100	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1 1/2
				A-dn	800-2	800-2	800-2

#SNS R-302 and 173° bring to Monterey, Calif LMM.

**SNS R-302 and 212° bring to Monterey, Calif LMM.

Procedure turn N side of crs, 302° Outbd, 122° Inbd, 2000' within 15 mi.

*CAUTION: Maintain 4000' until outbd from facility; 3000' terrain 8 mi NE of airport. (Nonstandard procedure turn due to Restricted Area 5 mi SW.)

Minimum altitude over Salinas Int**, 1100'.

Crs and distance, SNS Int** to airport, 122°—5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, make a right climbing turn, climb to 2000' on R-302 within 15 miles or, when directed by ATC, climb to 5000' on R-120 within 20 mi.

NOTE: If SNS Int** is not received, a ceiling minimum of 1000' for landing is applicable to all aircraft.

City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 86'; Fac. Class, BVOR; Ident., SNS; Procedure No. TerVOR (R-302), Orig.; Eff. Date, 28 Aug. 58

RULES AND REGULATIONS

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions.....		Within 20 mi.....	3000		Precision approach		
All directions.....		Within 15 mi.....	2000				
				T-dn.....	300-1	300-1	200-1½
				S-d-2.....	300-1½	300-1½	300-1½
				S-n-2.....	400-1	400-1	400-1
				S-d-20.....	400-1½	400-1½	400-1½
				S-n-20.....	400-1½	400-1½	400-1½
				C-dn.....	600-1	600-1	600-1½
				A-dn.....	800-2	800-2	800-2
				Surveillance approach			
				S-dn-14.....	600-1	600-1	600-1

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 2: Turn left, climb to 1500' on SW crs CSG-LFR within 20 mi; Runway 20: Climb to 1200' on SW crs CSG-LFR within 20 mi; Runway 14: Immediately turn right, climb to 1500' on SW crs CSG-LFR within 20 mi.

CAUTION: Tower 1049' MSL 8 mi North, Jump Towers 580' MSL 1½ mi NE, R-129 E and SE of Lawson AAF.

NOTE: Procedure not approved for civil use.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 222'; Fac. Class, Lawson; Ident., Radar; Procedure No. 1, Orig.; Eff. Date, 26 Sep. 58

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2 engine, more than 65 knots
													65 knots or less	More than 65 knots	
030	190	10	*4000										Precision approach		
190	030	20	*2000												
												T-dn.....	300-1	300-1	300-1
												S-d-17, 35.....	300-1½	300-1½	300-1½
												S-n-17, 35.....	300-1	300-1	300-1
												C-d.....	600-1	600-1	900-1½
												C-n.....	900-2	900-2	900-2
												A-dn.....	1000-2	1000-2	1000-2

*Radar terminal transition altitudes: All bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 17: Turn right and climb to 2500' on R-351 of HUA VOR; Runway 35: Climb to 2500' on R-351 of HUA VOR.

NOTE: Procedure not approved for civil use.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 679'; Fac. Class, Redstone; Ident., Radar; Procedure No. 1, Orig.; Eff. Date, 26 Sep. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

OCTOBER 1, 1958.

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[P. R. Doc. 58-8211; Filed, Oct. 6, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND RATE OF ASSESSMENT FOR 1958-59 FISCAL PERIOD

Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.211 Expenses and rate of assessment for the 1958-59 fiscal period—(a)

Expenses. Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1958, and ending June 30, 1959, both dates inclusive, will amount to \$35,640.50.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at seven and one-half mills (\$0.0075) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1)

in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1958-59 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, October 2, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-8214; Filed, Oct. 6, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 20]

GRAND TETON NATIONAL PARK

SPEED; FISHING; CAMPING; HOUSE TRAILERS

Basis and purpose. Notice is hereby given that pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U. S. C. 1952 ed., sec. 1003); authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F. R. 8224); and Regional Director, Region Two, Order No. 3 (21 F. R. 1494), it is proposed to amend 36 CFR 20.22 as set forth below. The purpose of this amendment is to establish speed limits on the Jenny Lake, Wilson, and Signal Mountain Roads; to extend the fishing season on Jackson Lake; to establish camping limits at the Colter Bay, Jackson Lake, Pelican Bay, Lizard Point, and Jenny Lake campgrounds; and to close the Jenny Lake and Colter Bay campgrounds to house trailers.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C., 1952 ed., sec. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed

amendments to the Superintendent, Grand Teton National Park, Moose, Wyoming, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

FRANK R. OBERHANSLEY,
Superintendent,
Grand Teton National Park.

AUGUST 29, 1958.

1. Section 20.22 (a) is amended to read as follows:

§ 20.22 *Grand Teton National Park—*
(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the speed limits listed below for the following designated roads:

- (1) Jenny Lake Road, 35 miles per hour.
- (2) Wilson Road, 25 miles per hour.
- (3) Signal Mountain Road, 20 miles per hour.

2. Section 20.22 (b) (1) (ii) is amended to read as follows:

(ii) Jackson Lake shall be open during the calendar year except from September 20 through November 14.

3. New paragraphs (d) *Camping* and (e) *House trailers* are hereby added to § 20.22:

(d) *Camping.* No person, party, or organization shall be permitted to camp more than 30 days in any one calendar year in the Colter Bay, Jackson Lake, Pelican Bay, and Lizard Point campgrounds. Camping in the Jenny Lake

campground shall not exceed 10 days in any one calendar year.

(e) *House trailers.* The Jenny Lake and Colter Bay campgrounds are closed to house trailers.

[F. R. Doc. 58-8213; Filed, Oct. 6, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 951]

[Docket No. AO-135-A5]

TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 51, as amended, hereinafter referred to collectively as the "order," regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, to be made effective pursuant

to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Industry Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on March 10, 1958, in the American Legion Hall, 320 North Washington Street, Lodi, California, was published in the FEDERAL REGISTER (23 F. R. 1149) on February 22, 1958.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Redefine the production area so as to exclude the Florin District, and provide that the member and alternate positions on the Industry Committee presently filled from such district shall be filled by a member and alternate at large from the production area;

(2) Authorize the establishment of container and pack regulations;

(3) Provide for the establishment of research and development projects;

(4) Provide for exempting from volume regulation grapes which meet or exceed prescribed premium quality standards and require inspection during periods when volume limitations are effective;

(5) Revise the method of computing allotment and eliminate the daily allotment provision;

(6) Revise the provisions with respect to allotment loans; and

(7) Provide for making such other changes in the order as are necessary to make the entire order conform to the amended provisions thereof.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) Currently the production area consists of two districts, the Florin District (Sacramento County) and the Lodi District (San Joaquin County). The evidence of record shows that the Florin District is no longer a significant competitive factor in the production of Tokay grapes. Acreage has declined during the period 1952 to 1957 from 3,200 acres to 161 acres.

Interstate shipments have decreased from 232 carloads equivalent in 1947 to 7.2 in 1957. Most of the acreage formerly devoted to the production of Tokay grapes in the Florin District has largely

been taken up in housing and industrial development, and little if any new land suitable for the production of Tokay grapes is available in such district. The elimination of such district should cause no hardship to handlers since it is not a practice to transfer grapes from one district to the other for packing. Nor is it anticipated that such elimination would result in a compliance problem. The Florin District usually had a lower grade restriction than the Lodi District when such regulations were in effect, and no difficulty was experienced through handlers attempting to transfer grapes from the Lodi to the Florin District in an attempt to take advantage of less restrictive regulation. From the foregoing, it is concluded that nonregulation of the small quantity of grapes produced in the Florin District would not adversely affect the marketing of Tokay grapes marketed from the Lodi District and the order should be amended, to eliminate the Florin District from the production area, and the definition of production area revised as hereinafter set forth to reflect such amendment.

The Lodi and Florin Districts of the presently defined production area were initially established in the order to effectuate the issuance of separate regulations, based on differences in characteristics of the Tokay grapes produced in the two areas. In addition, six election districts were established in San Joaquin County (Lodi District) to facilitate apportionment of membership from such county on the Industry Committee. Exclusion of the Florin District from the production area will render the current definition of "district" obsolete. Such exclusion will likewise eliminate the need for different regulations applying to different parts of the production area. The "Lodi District," the remaining area covered under the order, as proposed to be amended, is synonymous with San Joaquin County. Since it is proposed to define San Joaquin County as the production area, it would be confusing to further define such county as a district. The only purpose of defining "district" in the order, as proposed to be amended, is for the purpose of apportioning membership to different areas of the production area. Therefore, it seems logical to retain the subdivisions (election districts) into which San Joaquin County is currently divided as "districts" of the production area for such purpose. Therefore, it is concluded that any and all references to the Lodi District, and to authority for different regulations by districts should be deleted from the order, and the election districts currently set forth in the order redefined as districts of the production area, as hereinafter set forth. Also, current references to "district" should be changed to "production area" as appropriate.

Current provisions of the order provide for an administrative committee (Industry Committee) of seven members and an alternate for each such member. The Florin district is represented on such committee by one member and an alternate. Persons from such district will be ineligible to serve when such district is

eliminated from the production area. This will make necessary a realignment of the committee, as it is the desire of the industry to maintain a committee of seven. It was testified that a committee of seven members is more desirable than a committee of six members because the larger number provides a broader base of experience and the odd number is necessary to avoid tie votes. It was further testified that it is not practical at the present time to redefine the current six election districts into seven. The current method of nominating one of the members and alternates from each election district is satisfactory and should be continued. In view of this, it is concluded that the order should be amended as hereinafter set forth to provide that the seventh member and alternate positions shall be designated as "at large" positions, the nominees for which shall be growers decided upon by majority vote of the nominees for members nominated by growers from the six districts, except that the initial member and alternate nominees should be decided upon by the six members serving on the committee at the time the proposed amendment becomes effective. Since these six members and their alternates will have been nominated and selected in a manner consistent with the order, as proposed to be amended, they should continue to serve for the term for which selected. They should meet within a reasonable time after the amendment becomes effective and nominate a member and an alternate for the positions of member and alternate at large. Successor nominees for such positions should be nominated on or before March 5 of each year by vote of the member nominees for the forthcoming term who have been elected by the growers in each district. In the event a member nominee could not attend the meeting held for the purpose of electing nominees for the "at large" positions, the nominee for alternate from the same district should represent the member nominee so that insofar as possible the views of all districts of the production area can be represented in such election. Such time and manner of electing "at large" nominees will enable the Secretary to select all members and alternates at one time and assure the industry of a full committee with which to begin operations each season.

(2) Authorization to include in marketing agreements and orders provision for container and pack regulation was made available in the act through further amendment in 1954. Such authority was not available at the time the order was inaugurated, nor at the time of the subsequent amendments. Evidence was presented at the hearing to show that the authority to regulate containers and packs of Tokay grapes is needed in the order in that regulations issued thereunder would contribute materially to the effectiveness of the order. Such evidence shows that authority with respect to containers should be used primarily to restrict the use of containers which do not provide sufficient protection to the fruit and those which are deceptive, and to prescribe containers for the premium quality pack of grapes,

proposed to be established as hereinafter discussed. It is intended that authority to regulate containers shall include that necessary to prescribe specifications of dimensions, capacity, weight, markings, pads, liners, and lids. Authority of such scope would enable the establishment of containers which are suitable for shipping Tokay grapes and would facilitate the prohibition of containers and practices which are harmful. It was stressed at the hearing that the net weight marked on containers of Tokay grapes often does not coincide with the actual net weight of the contents. It was pointed out that this was a demoralizing practice and one frequently complained about in the trade. Authority to specify net weight and to prescribe the accuracy of markings relating thereto, as well as any other markings of the containers which could be used to misrepresent the contents, should facilitate correction of this situation and others of a deceptive nature. With respect to the pads, liners, and lids, these are properly considered parts of the containers as they may affect the dimensions or capacity of the container. Properly used they are protective devices and they are generally so used. However, pads and liners of different types may vary in their effectiveness as protective devices. If research should show that a particular type of pad or liner is superior in maintaining the quality of Tokay grapes in transit, the authority to regulate containers could be used to prescribe for the use of such pad or liner, as a means of improving the marketing of such grapes. If the growers of Tokay grapes are to obtain maximum benefits from the development and use of a premium quality standard, it will be necessary to assure that all containers of grapes marked as or otherwise represented as being of such quality be as represented, regardless of whether or not volume limitations are in effect. Therefore, the order should include authority for the issuance, in conjunction with the premium quality standard, of such container marking limitations as are necessary to distinguish premium quality grapes from grapes of lower quality. Also, it is particularly important that containers be prescribed which will assure the delivery of premium quality grapes to the ultimate consumer in premium quality condition. Authority for container regulation should enable the specification of such containers and aid in the building and maintenance of a reputation for quality for such grapes, as well as to facilitate identification which will be necessary to prevent confusion with grapes which it will be necessary to ship subject to volume limitation, when such limitations are effective.

Authority to prescribe pack limitations is needed in the order to enable the specification of more precise regulations with respect to the qualities and packs of grapes permitted to be shipped. Precise descriptions are necessary to effectuate regulation, as proposed, which would entail prescribing two standards—a voluntary "premium quality," which could be shipped exempt from volume regulations, if such were in effect, and a

mandatory minimum or "standard quality."

The definition of "pack" as hereinafter set forth in § 951.13 adds to the current definition the factors which would be the subject of regulation. Such factors include the specific arrangement of the grapes within the container, the grade and size of such grapes, and the uniformity of size of the individual bunches and berries. In connection with pack regulations, the evidence of record shows that the repacking of grapes, i. e., removing grapes from one shipping container (usually for the purpose of eliminating defective or damaged grapes) and replacing them in the same container or in another causes damage which is progressive. The fresh appearance of the grapes is destroyed, the berries are loosened from the stems, and, in general, deterioration is hastened. Most Tokay grapes are "field packed," that is, they are clipped from the vine and placed directly into the shipping container in the vineyard. Repacking usually occurs when the packer in the field fails to eliminate grapes which lack the required degree of color, those with excessive defects, or decay, and which upon inspection fail to meet regulatory requirements. The subsequent removal and further handling in the attempt to remove the defective grapes result in the damage heretofore described. Grapes which have been subjected to repacking, though enabled through such practice to meet grade requirements, often arrive in the markets in poor condition, affected by wetness, excessive shattering, stem drying, and browning. Such grapes have a short retail store shelf life, are unattractive to buyers, reduce demand, and the shipment of such grapes results in demoralized marketing conditions for all Tokay grapes.

The definition of "pack" as contained in the notice of hearing included appearance as one of the factors of regulation, as it was believed this was necessary in order to limit shipment of repacked grapes. However, it was testified that the damage caused by repacking is distinguishable by inspectors and others familiar with Tokay grapes. Moreover, field personnel of the committee are notified as to rejected lots, and it would be relatively simple for a fieldman to ascertain disposition or rejected grapes. Hence, it is believed unnecessary to include appearance as such as a factor of regulation. As previously stated, failure of grapes to pass inspection is generally the fault of the individual packer. Each such packer is assigned a number which is affixed to each container of grapes packed by him. If a lot of grapes comprised of containers of grapes packed by more than one packer fails to pass inspection, the containers of the offending packer are identified by number and may be separated from the lot; and the lot thus enabled to meet regulatory requirements. This should be permissible since the grapes are not subjected to the handling which causes the damage associated with repacking. There is a market for rejected grapes for crushing and some packers have already discontinued the practice of repacking, preferring to

dispose of rejected grapes in this outlet rather than risk them in fresh market channels.

Current provisions of the order authorize the issuance of an exemption certificate to any grower, who through no fault of his own, would be prevented by grade and size regulations from shipping as large a percentage of the production of a particular vineyard as the average of all growers in his particular district or the average shipments from such vineyard during the previous 3 seasons, whichever is greater. Such exemption certificate authorizes such grower to ship or to have shipped a percentage of his grapes from such vineyard equal to the greater of said averages, exempt from grade and size regulations. At the time this provision was established in the order, regulation was limited to grade, size, and volume limitations. The order makes it clear that authority for such exemption does not apply to volume limitations. The order as proposed to be amended would authorize, in addition to grade, size, and volume regulation, limitations relative to pack and container. The notice of hearing contained a proposal, of a conforming nature, which would show that exemptions are limited to grade and size regulations. However, at the hearing the proponents stated that they did not wish to support the proposal and no testimony was presented with respect thereto. But, on the other hand, no evidence was presented concerning a need for authority to exempt growers from pack and container regulations. Hence, there is insufficient basis in the record for extending exemption authority to cover such regulations. It is therefore concluded that the authorization for exemption should continue to be limited to that currently provided in the order, and that the order should be amended by an appropriate insertion of the words "grade and size" in § 951.52 as hereinafter set forth.

(3) Authorization to include in marketing agreement and orders provision for the establishment of research and development projects also became available through further amendment of the act, subsequent to establishment of the order. It was pointed out at the hearing that while there has been a substantial increase in the population of the United States since 1940, total consumption of Tokay grapes has remained almost at the same level. This indicates that per capita consumption has declined. Authority to enable the committee to establish or to have established research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes is needed so that the problem of declining consumption may be approached constructively under the order. The evidence of record indicates that some of the areas in which work is needed are studies of the relationship of various cultural methods and practices to quality, including behavior of grapes quality-wise in storage; investigation of factors contributing to deterioration, shatter, and injury in transit; studies of marketing methods, including merchandising

methods used at retail; and evaluation of containers. This list is not intended to be all inclusive as other areas not now apparent may present themselves in the future. It is not intended to restrict the work under research and development authority to that which can be performed by the committee and personnel directly under its supervision. Such work may well be accomplished more economically and efficiently through contract or co-operation with Federal and State research agencies, or through contract with private organizations engaged in research and promotional activity, and the committee should be authorized to avail itself of the facilities of such agencies or organizations if it would be more expeditious or economical to do so. Inasmuch as the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work. In view of the foregoing, it is concluded that the order should be amended as hereinafter set forth to include provision for research and development projects as authorized by the act.

It has been found that compliance with regulations may constitute a handicap in the conduct of research and development projects, or may in fact preclude the conduct of any research at all along certain lines. For example, unless provision is made for the exemption of shipments involving containers other than those which may be prescribed, no such shipments could be made. It is concluded therefore that authority should be provided in the order to permit exemption of shipments from regulation to the extent necessary to effectuate research and development projects conducted by or in cooperation with the committee. Current provisions of the order provide authority for the specification of types of shipments by the committee which may, with approval of the Secretary, be shipped free of regulation. The current language of such provision is sufficiently broad to include shipments in connection with research and development projects, hence no change in such language is necessary.

(4) Exemption from volume limitations of Tokay grapes meeting premium quality standards should tend to effectuate the declared purposes of the act and authority therefor should be included in the order. Such exemption would encourage the packing of grapes to higher standards of quality and the marketing of grapes so packed should increase growers' over-all returns. Since the inauguration of the order and the establishment of minimum grade regulation there has developed a "one grade-one price" situation under which buyers pay a more or less standard price for Tokay grapes on the basis that most of such fruit is packed to the regulatory minimum grade. This has tended to discourage the packing of grapes to higher standards of quality. However, in the past two years several shippers have packed grapes to a premium or higher standard developed individually and have succeeded in obtaining higher than average prevailing prices for such grapes.

This shows that there is an existing demand for grapes of premium quality. Exemption of such grapes from volume limitations is justified by the better than average prices which may be obtained for them. It is possible to improve the quality of fruit produced on practically any vineyard by more careful attention to growing practices, such as pruning, thinning, disease and pest control, and by more selective and careful harvesting methods. This entails more care and expense, but indications are that net returns to growers for such higher quality grapes are sufficient to justify the additional production cost. The demand for premium products at better than average prices is limited, but it is generally much greater than the supply. To the extent that premium quality grapes are not available to customers who desire to purchase grapes of such quality, the market is restricted. Providing an increase in the supply of Tokay grapes packed to premium standards would enable the industry to take greater advantage of the demand and thus broaden the market for such grapes. The establishment in the order of the exact specifications of the premium standard of quality is not practical. To do so would destroy the flexibility needed to cope with changes within the industry. It is therefore concluded that a general definition of the standard as hereinafter set forth should be contained in the order for purposes of clarity, and that the exact specifications of such standard should be subject to recommendation of the committee and approval by the Secretary.

Currently the order requires inspection and certification only when grade and size limitations are in effect. Volume limitations have never been established without also prescribing grade and/or size limitations, and it is not anticipated that volume limitations will be made effective in the absence of grade and/or size restrictions. It is not possible, however, to foresee all of the possible situations which may arise, and it is possible that some situation may occur in which it would be to the best interest of the industry to establish volume limitations only. In such circumstances, inspection and certification would be necessary in order to distinguish between the grapes not subject to volume limitations (premium quality grapes) and those which are subject to such limitations. Hence, the order should be amended as hereinafter set forth, to require inspection and certification of all grapes handled during periods of volume limitation as well as during periods when grade, size, and pack limitations are effective.

(5) In the computation of allotment under current provisions of the order, each handler's allotment is based on a combination of (a) shipments during the previous two seasons from the vineyards under the individual handler's control, and (b) the packout (grapes packed ready for shipment) of such handler during specified periods during the current season. A weight of 75 percent is given to shipments and a weight of 25 percent to packout. Under current provisions of the order, the packout used for the first allotment period is the first 6

of 7 days immediately preceding such allotment period, and for succeeding allotment periods the first 3 of 4 days immediately preceding any such allotment period. Hence, only 1 day is available for the assembling of packout data relative to each handler's allotment and for computation of such allotment. This does not give adequate time for assembling of data, computation, and checking, and this has resulted in errors in the data supplied by handlers and in the computations of the committee. Such errors require subsequent adjustment and constitute an inconvenience to both handlers and the committee. The evidence of record shows that use of the packout for the first 6 of the 9 days immediately preceding the first allotment period in the computation of allotment for such period and the packout of the first 3 of the 6 days immediately preceding each successive allotment period in computing the allotment for such periods would provide the additional time needed in such computation. Adoption of this change should not materially affect the allotment received by handlers, since the primary factor in the computation is previous shipments of grapes. Amendment of the order in accordance with the foregoing should improve the workability of the program, and it is concluded that it should be so amended.

Current provisions of the order provide for adjustment of allotment where a handler may wish to handle grapes from (a) a vineyard from which grapes were not shipped during one or both of the preceding seasons, (b) from a vineyard for which records of shipments during one or both of such seasons are not available, or (c) from a vineyard from which less than average shipments (as established by the committee for vineyards of similar age) were made during one or both of such seasons. Growers may shift control of their vineyards from one handler to another from year to year, and others may dispose of all or part of the production from a vineyard to the winery outlet and this may affect the availability of information concerning shipments; and, of course, if no shipments were made there are no shipment data. The provision of adjusted allotment was to provide allotment to handlers to ship grapes to fresh market from a vineyard in any of the foregoing categories. Currently the order permits a handler to make application for adjusted allotment on the basis of his control of a vineyard in one of such categories, and such allotment is issued to him. If, during the applicable allotment period, such handler fails to pack the required percentage of grapes (50 percent for the first allotment period; 80 percent in succeeding periods) from the vineyard for which the adjusted allotment was granted, an amount of allotment equivalent to such adjusted allotment, is subtracted from such handler's allotment for the next succeeding allotment period. However, the handler can reapply for adjusted allotment each period for the duration of volume regulation. Since it cannot be determined until the day following the close of the

applicable allotment period whether a handler has complied with requirements for adjusted allotment, and allotment cannot be retrieved after the final allotment period has expired, a handler can thus receive allotment to which he is not entitled. Such method gives rise to inequities in the apportionment of allotment among handlers. Hence, it is concluded that the order should be amended as hereinafter set forth, to provide that adjusted allotment shall be held by the committee for the account of the handler and added to the allotment of such handler only in an amount equal to the volume of grapes packed from the vineyard for which adjusted allotment was requested but not in excess of the amount requested. Any allotment remaining in the account of such handler at the end of the applicable allotment period should be added to the allotment of all handlers for the next succeeding allotment period. This would be equitable, since such allotment was originally withheld from the total allotment of all handlers. Also such method would eliminate considerable bookkeeping for handlers and the committee and thus contribute to more economic and efficient operations. The proposed method should eliminate the requirement that to qualify for adjusted allotment a handler must pack, from the applicable vineyard, grapes equal to at least 50 percent of the adjusted allotment requested for the first period and 80 percent during subsequent periods. Under such method a handler would receive adjusted allotment equal to the quantity of grapes packed from the vineyard for which adjusted allotment was requested, but not in excess of the allotment requested. Grapes packed from such vineyard, which are in excess of the adjusted allotment requested, may be carried forward to subsequent allotment periods and shipped under adjusted allotment in those periods. Application for adjusted allotment should be made to the committee at least 3 days in advance of the allotment period for which it is needed. Current provisions of the order specify filing applications for such allotment at least 2 days in advance, but this has proved inadequate for the committee to make the necessary computations. Hence, the order should be amended to provide the additional time as indicated by the foregoing.

Current provisions of the order with respect to volume limitations specify an allotment period of 3 days, and provide further that, subject to undershipment and overshipment provisions, only one-third of such allotment may be shipped during any one day of such period. Such daily allotment provision is difficult to administer, adds unnecessary complexity in the computation of allotments, and is burdensome to handlers. At the time such provision was included in the order, it was believed that the daily volume shipped had a considerable bearing on prices and that a daily allotment control was needed. The evidence of record indicates, however, that at the present time that it is extremely unlikely that all shippers would ship all of their 3-day period allotment on one day. Timing of

grape shipments depends to a large extent upon the desired time of arrival and the distance to destination. Grapes are shipped to many markets and the distances to such markets vary, hence, grapes destined to a distant market would have to be shipped at an earlier date than grapes to a closer market if they were being timed for arrival on the same date. Therefore, it is concluded that the order should be amended to eliminate the provision of daily allotment restriction, as hereinafter set forth.

Since the provisions of undershipment and overshipment contain limitations related to daily allotment, the provisions of the order with respect to under- and overshipment should be amended, as hereinafter set forth, in conformance with the elimination of the daily allotment provision.

(6) Current provisions of the order authorize the transaction of loans of allotment directly between handlers. Such provisions also require that each party to such a loan transaction shall report the transaction to the committee within 24 hours. However, it is evident from the record that handlers have sometimes overlooked the reporting requirement for a number of days at a time, during which time records of the committee were incomplete. Such records with respect to loan transactions are necessary for preparation of certificates of revised allotment, which the committee is required to mail to each handler not later than the end of the second day of each allotment period. Under current order provisions, allotment loans may be transacted subject to repayment during any succeeding allotment period agreed upon by the handlers involved. The record indicates that too often handlers delay repayment of loans until the final period of volume regulation, and this makes the loan provisions difficult to administer. Moreover, some handlers both borrow and loan allotment during the same allotment period. This adds complexity to allotment computations, increases the likelihood of error, and generally results in confusion. The loan privilege was included in the order as a means of adding a degree of flexibility in the operation of volume regulation. Abuse of such privilege is to the detriment of efficient administration of the order. It was testified, without opposition, that administration of the order would be considerably improved if the order provisions were amended to require that all loan transactions be made through the committee and subject to its approval, with repayment required in the allotment period following that to which the loan applies, and further, that such provisions should provide that no handler may both loan and borrow allotment in the same allotment period. It is therefore concluded that such amendment is appropriate and should be effected in the manner hereinafter set forth.

Rulings on proposed findings and conclusions. The period ending April 15, 1958, was fixed by the Hearing Examiner at the hearing as the date by which briefs must be filed by interested parties with respect to facts presented in evidence at

the hearing and the conclusions which should be drawn therefrom. A brief was filed by Burton A. Towne III, American National Growers Corporation; William Brown, Acampo Vineyards; and Howard H. Mason, Nash De Camp Company. Each point covered in the brief was considered carefully, along with the evidence contained in the record of hearing, in making the findings and reaching the conclusions herein set forth. To the extent that the suggested findings and conclusions contained in the brief are at variance with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of Tokay grapes grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(4) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete §§ 951.11 through 951.13 and substitute therefor the following:

§ 951.11 *District.* "District" means the applicable one of the following described sub-divisions of the production area: (a) Acampo District means the school district of Houston; (b) Woodbridge District means the school district of Woods and that portion of the Galt Joint Union School District situated in San Joaquin County; (c) Lafayette District means the school districts of La-

fayette, Henderson, Turner, Ray, Terminus, and New Hope; (d) Victor District means the school districts of Bruella, Victor, Lockeford, Oak View, and Clements; (e) Alpine District means the school districts of Alpine and Lodi; (f) Live Oak District means all of the school districts in the production area other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Districts. The boundaries of the aforementioned school districts shall be those in effect on October 1, 1947.

§ 951.12 *Production area.* "Production area" means San Joaquin County in the State of California.

§ 951.13 *Pack.* "Pack" means (a) to place grapes into containers for shipment to market as fresh grapes and to deliver containers of grapes to a packing platform or shed or to a vehicle for transportation to market or storage, or (b) to place grapes into a shipping container in a packing shed: *Provided*, That, when used in and with respect to §§ 951.50 to 951.58, inclusive, such term shall mean the specific arrangement, weight, grade or size, including the uniformity thereof, of the grapes within a container.

2. Immediately after § 951.15 add the following new sections:

§ 951.16 *Container.* "Container" means a box, lug, crate, carton, or any other receptacle used in packing grapes for shipment as fresh grapes, and includes the dimensions, capacity, weight, marking, and any pads, liners, lids, and any or all appurtenances thereto or parts thereof. The term applies, in the case of grapes packed in consumer packages, to the master receptacle and to any and all packages therein.

§ 951.17 *Premium quality grapes.* "Premium quality grapes" means and includes all grapes which meet or exceed the requirements as to grade, size, pack, and container prescribed by the committee, with the approval of the Secretary, for premium quality grapes.

3. Delete §§ 951.20 through 951.22 and substitute therefor the following:

§ 951.20 *Establishment of Industry Committee.* An Industry Committee consisting of seven members, one for each of the districts designated in § 951.11 and one member at large, is hereby established. There shall be an alternate for each member of the Committee.

§ 951.22 *Nomination of members of Industry Committee.* (a) Except as provided in paragraph (c) of this section, nominations for members and alternate members of the Industry Committee shall be made at a meeting of growers for each of the districts. The growers in each district shall nominate one grower for member and one grower for alternate member. Such meetings shall be called by the Industry Committee at such times (on or before March 1 of each season) and at such places as said committee shall designate. The growers at each of such meetings shall select a chairman and a secretary therefor. After nomina-

tions have been made, the chairman or the secretary of such meeting shall transmit forthwith to the Secretary his certificate showing the name of each person for whom votes have been cast, whether as member or as alternate for a member and the number of votes received by each such person.

(b) In the nomination of members and alternate members of the Industry Committee, each grower shall be entitled to cast only one vote which shall be cast on behalf of himself, his agents, partners, and representatives, for each nominee to be selected from the district in which the grower produces grapes. A grower shall vote only in the meeting called for such district in which such grower produces grapes. Only growers who are personally present at such nomination meeting shall be entitled to vote for nominees. Each grower shall be entitled to vote only in one district and only for the nominees to be elected for such district.

(c) The nominees for member and alternate for the position of member at large shall be nominated on or before March 5th of each season by majority vote of the six member nominees nominated at the grower meetings provided for in paragraph (a) of this section: *Provided*, That the initial nominees for such positions may be nominated by the six members of the committee representing the specified districts of San Joaquin County.

4. Delete from § 951.23 the words following the last semicolon therein and substitute therefor the following: "and any such person shall be an individual grower who, or an officer, employee or agent of an organization which, produced grapes during such prior season in the particular district for which he was nominated or selected as a member or as an alternate member of such committee: *Provided*, That the member and alternate member at large may be any qualified grower."

5. Revise § 951.24 to read as follows:

§ 951.24 *Selection of members of Industry Committee.* From the nominations made pursuant to § 951.22, or from other qualified persons, the Secretary shall select the seven members of the committee and an alternate for each such member.

6. Revise § 951.27 to read as follows:

§ 951.27 *Terms of office.* Members and alternate members of the Industry Committee shall serve during the season for which they have been selected by the Secretary and until their successors are selected and have qualified.

7. Amend § 951.32 as follows:

(a) Delete from paragraph (1) the words "and election district" and "or election district."

(b) Delete from paragraph (c) the words "by districts" and the comma just preceding such words.

8. Immediately after § 951.47, insert a new center heading entitled "Research and Development" and a new section reading as follows:

§ 951.49 *Research.* The Committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve or promote the marketing, distribution, and consumption of Tokay grapes. The expenses of such projects shall be paid from funds collected pursuant to § 951.46.

9. Revise the center heading preceding § 951.50 to read "Regulation by Grade, Size, Container, and Pack".

10. Revise the first sentence of § 951.50 to read as follows: "Whenever the Industry Committee deems it advisable to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, it shall so recommend to the Secretary."

11. Revise paragraph (a) of § 951.51 to read as follows:

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes during a specified period.

12. Amend § 951.52 as follows:

(a) Delete from paragraph (b) (1) the words "his district" and substitute therefor the words "the production area."

(b) In paragraph (e) insert the words "grade and size" immediately following the word "to" and preceding the word "regulations."

13. Amend § 951.58 as follows:

(a) Delete from the first sentence the section number reference "§ 951.50 through 951.56" and insert in lieu thereof the words "this part".

(b) Delete from the second sentence the words "showing the grade and size of the grapes contained in such shipment" and insert in lieu thereof the words "with respect to such shipment".

14. Revise the proviso in paragraph (b) of § 951.62 to read as follows: "*Provided*, That allotment shall not be required: (1) To deliver grapes to a refrigerated storage warehouse, for storage purposes, within the State of California; (2) to handle grapes pursuant to, and for the purposes specified in § 951.87; and (3) to handle grapes which meet the requirements for premium quality grapes."

15. Amend § 951.64 as follows:

(a) Revise paragraph (a) to read as follows:

(a) The allotment percentage of each applicant entitled thereto for each allotment period shall be seventy-five percent of the percentage obtained by dividing the total grape shipments from such applicant's vineyards as reported pursuant to § 951.63 (a) (1) to (4), by the total grape shipments during the preceding two years from vineyards of all applicants plus twenty-five percent of the following applicable percentage: (1) For the first allotment period of each season, the percentage obtained by dividing the

total quantity of grapes packed by or for the applicant during the first 6 days of the 9 days immediately preceding the first allotment period by the total quantity of grapes packed by or for all applicants during such 6 days; (2) for the second allotment period each season, the percentage obtained by dividing the total quantity of grapes packed by or for the applicant during the 3 days immediately preceding the first allotment period by the total quantity of grapes packed by or for all applicants during such 3 days; (3) for the third and each succeeding allotment period each season, the percentage obtained by dividing the total quantity of grapes packed by or for the applicant during the allotment period penultimate the allotment period to which the allotment shall apply by the total quantity of grapes packed by or for all applicants during such period.

(b) Delete from the last sentence of paragraph (b) the word "two" and insert in lieu thereof the word "three".

16. Revise § 951.65 to read as follows:

§ 951.65 *Adjustment of allotment.* A portion of the total quantity of grapes fixed by the Secretary as the quantity of such grapes which may be handled during an allotment period shall be allocated to handlers as adjusted allotment in accordance with the provisions of this section.

(a) Each season, prior to recommending regulations pursuant to § 951.60, the Industry Committee shall establish the quantity of grapes per acre which is likely to be shipped during the current season from mature vineyards and separate quantities for vineyards from nine years to one year of age, respectively. In establishing these quantities the committee shall consider (1) the estimated production of grapes for the current season; (2) the average number of standard packages of grapes per acre shipped from the production area during preceding seasons; (3) the estimated total acreage of grapes in the production area during the current and past seasons; (4) the acreage of grapes which have been thinned; (5) production records of mature vineyards and of vineyards from nine years to one year of age; and (6) other relevant factors.

(b) Adjusted allotment shall be allocated to, and held by the Industry Committee for the account of, handlers proposing to ship grapes as first handlers thereof (1) from a vineyard from which grapes were not shipped during one or both of the two preceding seasons; (2) from a vineyard for which records of shipments during one or both of such seasons are not available; or (3) from a vineyard with less shipments per acre during one or both of such seasons than the quantity established by the Industry Committee in accordance with paragraph (a) in this section for vineyards of similar age. The amount of adjusted allotment so allocated and held for the account of a handler shall be equal to the difference between the allotment to which such handler is entitled pursuant to the provisions of

§ 951.62 (a) (1) and the allotment to which such handler would be entitled pursuant to the provisions of said paragraph (a) (1) if the previous shipments from such vineyard were equal to the applicable quantity estimated by the committee in accordance with paragraph (a) of this section; *Provided*, That in no event shall such amount exceed the amount of adjusted allotment requested by such handler.

(c) Any handler entitled to adjusted allotment may apply to the Industry Committee on forms prescribed by it for such allotment. Such application shall be filed with the committee at least three days prior to the first allotment period for which he desires adjusted allotment and shall contain the following information: (1) The identity of each vineyard for which adjusted allotment is requested; (2) the allotment period or periods for which allotment is requested; and (3) the quantity of adjusted allotment requested for each such period.

(d) Any handler to whom adjusted allotment is allocated for a vineyard may request the application of such adjusted allotment only to the extent that he has packed, or has had packed, grapes from such vineyard in excess of that portion of his allotment which is based on previous shipments from such vineyard. The Committee shall release to such handler such allocated adjusted allotment upon evidence, satisfactory to it, of performance as herein described: *Provided*, That any quantity of grapes packed from a vineyard in excess of the quantity of adjusted allotment plus allotment based on previous shipments from such vineyard may be carried forward and applied to the adjusted allotment for such vineyard in subsequent allotment periods.

(e) Any adjusted allotment held for the account of handlers upon expiration of an allotment period shall be added proportionately to the allotment of all handlers during the next succeeding allotment period.

17. Delete § 951.66 *Daily shipments during an allotment period.*

18. Revise §§ 951.67, 951.68, and 951.69 to read as follows:

§ 951.67 *Undershipments.* If during any allotment period a handler ships grapes in an amount less than his allotment he may ship during the next succeeding allotment period a quantity of grapes equal to such undershipment: *Provided*, That the amount of the undershipment which such handler may ship during such period shall not exceed the equivalent of such percentage of the total allotment issued to him for the allotment period during which such undershipment occurred as shall be established by the Industry Committee, or 1.105 standard packages of grapes, whichever is the greater.

§ 951.68 *Overshipments.* During any allotment period a handler may ship a quantity of grapes equivalent to five hundred standard packages of such grapes in addition to his allotment for such period. Any such overshipment shall be deemed to be a shipment against the allotment of such handler for the allotment period next succeeding.

§ 951.69 *Allotment loans.* A person to whom allotment has been issued may lend such allotment, or any part thereof, to another person to whom allotment also has been issued subject to the following terms and conditions:

(a) Allotment loans shall be transacted only upon notice to and under the supervision of the Industry Committee.

(b) Allotment shall be repaid in the allotment period immediately following the period in which it is borrowed.

(c) Allotment may be loaned for use only during the allotment period in which it is issued.

(d) Allotment which is repaid may be used only during the allotment period in which the repayment is made.

(e) No person may borrow and lend allotment during the same period; and

(f) Except as provided in this section and in § 951.71, allotments are not transferable.

Dated: October 2, 1958.

[SEAL]

F. R. BURKE,

Acting Deputy Administrator,

Marketing Services.

[F. R. Doc. 58-8235; Filed, Oct. 6, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Secret Service

[Delegation Order No. 1, Rev. 2]

OFFICERS OF SECRET SERVICE

DELEGATION OF AUTHORITY

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2) dated April 22, 1955, it is hereby ordered as follows:

1. The following officers of the United States Secret Service, in the order of succession enumerated, shall act as Chief, U. S. Secret Service, during the

absence or disability of the Chief, or when there is a vacancy in such office:

1. Deputy Chief.
2. Assistant Chief.
3. Chief Inspector (Region No. 1).
4. Inspector, Region No. 2.
5. Inspector, Region No. 3.
6. Inspector, Region No. 4.
7. Special Agent in Charge, Richmond, Virginia.
8. Special Agent in Charge, Jacksonville, Florida.
9. Special Agent in Charge, Miami, Florida.
2. In the event of an enemy attack on the continental United States, all Special

Agents In Charge of Secret Service field offices, including the Special Agent in Charge of the White House Detail, are authorized in their respective districts to perform any function of the Chief, U. S. Secret Service, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

[SEAL]

U. E. BAUGHMAN,
Chief,
U. S. Secret Service.

[F. R. Doc. 58-8217; Filed, Oct. 6, 1958;
8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MARITIME ADMINISTRATOR

DELEGATION OF AUTHORITY CONCERNING INVESTMENT OF CONTRACTOR'S FUNDS

The authority of the Secretary of Commerce to grant approvals, give directions, make determinations, and make regulations relating to investment of contractor's funds and to act as trustee of the Capital Reserve Fund and Special Reserve Fund under subdivision (3) of section 607 (d) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1177), as added by Public Law 85-637, 85th Congress, approved August 14, 1958, is hereby delegated to the Maritime Administrator.

Dated: September 26, 1958.

[SEAL]

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-8212; Filed, Oct. 6, 1958;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6845]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

OCTOBER 1, 1958.

Take notice that on September 24, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California, Nevada and Arizona, with its principal business office at San Bernardino, California, seeking an order authorizing the issuance of not to exceed \$15,000,000 in principal amount of promissory notes, outstanding at any one time. Applicant proposes to issue the aforesaid notes to the Bank of America National Trust and Savings Association ("Bank") in varying amounts beginning November 1958, and ending October 1959. Each note will mature within twelve months of date of issue and shall bear interest at a fluctuating rate equal at all times to the Bank's prime rate for 90-day to 180-day prime commercial

loans. The funds received from the first issuance of the aforesaid notes will be used by Applicant to refund all notes outstanding on October 31, 1958, under loan agreement of August 30, 1957. The balance of the \$15,000,000 received subsequent to the initial issuance of the notes will be used by Applicant for additions, betterments and improvement of its properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of October 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8219; Filed, Oct. 6, 1958;
8:47 a. m.]

[Docket No. G-4207]

SAM SKLAR

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 29, 1958.

By notice of the Secretary issued September 2, 1958, and duly published in the *FEDERAL REGISTER* on September 6, 1958 (23 F. R. 6895), a hearing in the above-entitled matter was scheduled to be held on October 7, 1958. Said notice indicated that the Commission would dismiss a portion of the application pursuant to § 154.91 (d) of the Commission's regulations under the Natural Gas Act and in accordance with the principles enunciated in Opinion No. 214 and the order accompanying that opinion. The Commission's order issued September 19, 1958, in the proceeding in the *Matters of Midstates Oil Corporation, et al.*, Docket Nos. G-4932, et al., granted applications for rehearing of Opinion No. 214 and stayed the opinion and order accompanying said opinion pending rehearing and reconsideration.

Therefore, notice is hereby given that the hearing on the application of Sam Sklar, Trustee in Docket No. G-4207, presently scheduled for hearing on October 7, 1958, is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8220; Filed, Oct. 6, 1958;
8:47 a. m.]

[Docket No. G-12409]

TOWN OF HARMONY, INDIANA

NOTICE OF EXTENSION OF TIME

SEPTEMBER 29, 1958.

Upon consideration of the request filed September 24, 1958, by the Town of New Harmony, Indiana (Applicant) for an extension of time within which to accept deliveries of natural gas authorized by the Commission's order issued Octo-

ber 21, 1957, in the above-designated matter;

An extension is hereby granted to and including April 20, 1959, within which Applicant shall be prepared to receive natural gas from Texas Eastern Transmission Corporation authorized by the Commission's order issued October 21, 1957. Paragraph (C) of said order is amended accordingly.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8221; Filed, Oct. 6, 1958;
8:47 a. m.]

[Docket No. G-14199]

JOHN F. SHAW ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 30, 1958.

Take notice that on January 6, 1958, John F. Shaw et al. (Applicants), filed in Docket No. G-14199 an application, pursuant to section 7 (b) of the Natural Gas Act, for permission to abandon natural gas service to New York State Natural Gas Corporation from the Benecette Field, Elk County, Pennsylvania, covered by a contract dated June 10, 1953, on file with the Commission as John F. Shaw et al., FPC Gas Rate Schedule No. 1, which service was authorized by the Commission by order issued February 21, 1957, in Docket No. G-4929. This application is on file with the Commission and open to public inspection.

Applicants state that the sole well on the 2½-acre lease involved herein is exhausted and that said well was plugged and abandoned on or about August 31, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commis-

*"Et al." parties are: Robert Bailey, Ray S. Walker, C. V. Fink, Richard Fink, W. Ellis Groben, Robert McC. Groben, Otis Ray, Pearl Ray, Glenn D. Gillett, David Bailey, C. A. Walker, A. S. Tammany, J. C. Logan, James R. Sharp, Eugene P. Bogan, R. B. Hutchinson, W. H. Specht, and Paul Ruch.

sion, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8223; Filed, Oct. 6, 1958;
8:48 a. m.]

[Docket Nos. G-14293, G-14294]

SCOTT OIL AND GAS CO. AND EDWIN C.
MEREDITH

NOTICE OF APPLICATION AND DATE OF
HEARING

OCTOBER 1, 1958.

Take notice that on January 20, 1958, Scott Oil and Gas Company (Scott), in Docket No. G-14293, and Edwin C. Meredith (Meredith), in Docket No. G-14294, filed applications, pursuant to section 7 of the act for authorization to abandon and render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Applicant seeks authority for:

(1) Scott in Docket No. G-14293 to abandon service to Hope Natural Gas Company (Hope) from acreage located in Murphy District, Ritchie County, West Virginia, which service, previously authorized on July 13, 1955, in Docket No. G-5578, is covered by a gas sales contract dated December 18, 1950, as amended, on file as Scott Oil and Gas Company FPC Gas Rate Schedule No. 1.

(2) Meredith in Docket No. G-14294 to continue the subject service to Hope proposed to be abandoned by Scott.

By instrument of assignment dated August 1, 1957, Meredith acquired the leasehold involved herein from Scott. Concurrently with his application in Docket No. G-14294, Meredith submitted as a related rate filing the aforementioned instrument of assignment dated August 1, 1957, and a notice of succession to Scott's FPC Gas Rate Schedule No. 1, which rate schedule has now been redesignated as Edwin C. Meredith FPC Gas Rate Schedule No. 1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and

procedure, a hearing will be held on November 6, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8223; Filed, Oct. 6, 1958;
8:48 a. m.]

[Docket Nos. G-14697, G-14779]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE
OF HEARING

SEPTEMBER 30, 1958.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. G-14697 on March 19, 1958, as supplemented on April 16, 1958, May 19, 1958 and June 30, 1958, and in Docket No. G-14779 on March 31, 1958, as supplemented on April 22, 1958, May 19, 1958 and June 30, 1958, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

In Docket No. G-14697, Applicant proposes to construct and operate certain natural-gas facilities, as hereinafter described, which are necessary to the delivery and sale for resale in interstate commerce of a contract demand volume of 50,000 Mcf of natural gas per day to Northern Illinois Gas Company (Northern Illinois), a proposed new pipeline customer. To deliver the proposed 50,000 Mcf of gas per day to Northern Illinois at a point near East Dubuque, Illinois, Applicant proposes to construct approximately 46.3 miles of 30-inch loop pipeline and 6,000 horsepower of compressor facilities, as well as about 18.0 miles of 20-inch pipeline extending from its existing Dubuque, Iowa, branch line to the point of interconnection with the proposed pipeline of Northern Illinois, as tabulated below:

	Estimated cost
Main line loop additions:	
18.5 miles 30" north of Oakland, Iowa.....	\$1,703,300
9.0 miles 30" north of Beatrice, Nebr.....	812,500
10.8 miles 30" north of Teacott, Kans.....	1,024,700
8.0 miles 30" north of Bush-ton, Kans.....	752,900
46.3 Total loop lines.....	4,293,400
Compressor additions:	
2,000 horsepower at Ogden Station, Iowa.....	478,000
2,000 horsepower at Palmyra Station, Nebr.....	478,000
2,000 horsepower at Mullinville Station, Kans.....	478,000
6,000 Total Compressor additions.....	1,434,000
Extension and Miscellaneous:	
18.0 miles 20" pipeline extension to lateral serving Dubuque, Iowa.....	2,164,500
Measuring station near East Dubuque, Ill.....	15,000
Interest and overhead.....	316,300
Total cost.....	8,223,200

Northern Illinois proposes to construct and operate the approximately 140 miles of 24-inch pipeline necessary to transport the gas from East Dubuque, Illinois, to an interconnection with Northern Illinois' existing pipeline system near Elgin, Illinois. Northern Illinois owns and operates an intrastate pipeline system and distributes gas to nearly 600,000 customers in 266 communities in 20 counties in the northern part of Illinois. The gas to supply its present customers is purchased by Northern Illinois from Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company.

In Docket No. G-14779, Applicant proposes to construct and operate, as an integral part of its existing natural-gas system, certain natural-gas facilities as hereinafter described which are necessary to the delivery and sale for resale in interstate commerce of a contract demand volume totaling 50,730 Mcf of gas per day to Applicant's existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1958-59 heating season. To deliver the proposed 50,730 Mcf per day to Applicant's existing utility customers, Applicant proposes to construct approximately 57.4 miles of 30-inch main line loop and 3.5 miles of 10-inch branch line loop and to install 8,000 horsepower of compressor additions, as set forth in the following tabulation:

	Estimated cost
Main line loop additions:	
17.2 miles of 30" north of Ventura, Iowa.....	\$1,613,900
4.6 miles of 30" north of Beatrice, Nebr.....	489,200
12.5 miles of 30" northeast of Palmyra, Nebr.....	1,250,700
4.5 miles of 30" north of Clifton, Kans.....	406,800
9.0 miles of 30" north of Macksville, Kans.....	855,000
9.6 miles of 30" north of Mullinville, Kans.....	909,900
57.4 Total loop lines.....	5,525,500
Main line compressor additions:	
2,000 horsepower at Bush-ton Station, Kans.....	478,000

¹A partnership under the laws of West Virginia consisting of Winnie Fae Morris, Mary M. Beall and Russell G. Beall, having its principal place of business at Harrisville, West Virginia.

²Principal place of business 48494 N. Territorial Road, Plymouth, Michigan.

Main line compressor additions— Continued	
2,000 horsepower at Clifton Station, Kans.	\$478,000
4,000 horsepower at Beatrice Station, Nebr.	830,000
8,000 Total compressor additions	1,788,000
Branch line loop addition and miscellaneous:	
3.5 miles of 10" loop on Marshalltown, Iowa, branch line extending east of Ogden, Iowa	124,400
Interest and overhead	297,400
Total cost	7,733,300

The application states that the additional contract demand of 50,730 Mcf is required to meet the normal growth in natural-gas requirements in the 384 communities presently served from Applicant's system.

The applications include estimates showing that Applicant is relying upon its available gas reserve estimated to be approximately 12,032 trillion cubic feet, in Texas, Kansas and Oklahoma, to supply the increased requirements of its existing customers and to provide for all the proposals made in pending applications in Docket Nos. G-12241, G-14697 and G-14779.

The combined cost of all the facilities proposed in Docket Nos. G-14697 and G-14779 is estimated at \$15,956,500. The applications in both dockets state that the costs may be temporarily met from cash on hand, reserve accruals and retained earnings, and that temporary financing will be provided by short-term bank loans.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, November 3, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8224; Filed, Oct. 6, 1958;
8:48 a. m.]

[Docket No. G-15243, etc.]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

SEPTEMBER 30, 1958.

In the matters of El Paso Natural
Gas Company, Docket No. G-15243;

Pioneer Gathering System, Inc., Docket No. G-15251; Humble Oil & Refining Company, Docket No. G-14840; Western Natural Gas Company, Docket No. G-15300; Harvey J. Weir, Sr., Docket No. G-15331; Joe R. Weir, Docket No. G-15332; Paula R. Hicks, Individually and as Tutrix, Docket No. G-15333; F. E. Fuseller, Trustee, Docket No. G-15334; Ash Robinson, Docket No. G-15349; M. N. Stafford, Jr., Docket No. G-15369; M. N. Stafford, Docket No. G-15383.

Take notice that each of the above designated parties has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing certain acts as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Docket No. G-15243—El Paso Natural Gas Company (El Paso) filed an application on June 9, 1958, for a certificate of public convenience and necessity authorizing an exchange of natural gas with Pioneer Gathering System, Inc. (Pioneer). Pioneer owns or controls under contract certain gas reserves in the Sonora Gas Area of Sutton County, Texas. El Paso estimates the deliverability of these reserves to be approximately 1,700 Mcf per day on a yearly average (maximum of 6,000 Mcf per day). Under the exchange agreement, El Paso is to construct and operate "tie lines" to connect Pioneer's wells into El Paso's existing gathering system. El Paso is to gather, compress and transport the gas approximately 10.8 miles over its existing 20 inch Sonora pipeline to a point in Schleicher County, Texas, where the line intersects Pioneer's existing 12 inch-16 inch Vinegarone pipeline, over which Pioneer will transport gas produced from reserves controlled by El Paso in the Vinegarone Field.

El Paso estimates the cost of the necessary gathering facilities in the Sonora area at \$62,000 plus 10 percent for overhead and contingencies. In addition El Paso estimates a cost of \$68,000, plus 10 percent for overhead and contingencies for "Vinegarone Field Gathering System" which is apparently for construction of dehydrators, heaters, and measuring equipment at or near each of the wellheads owned or controlled by El Paso in the Vinegarone Field. In addition El Paso estimates an expenditure of \$641,000 plus 10 percent overhead and contingencies for "well drilling and lease acquisition."

El Paso estimates it controls total recoverable reserves in the Vinegarone Field of 136,600 MMcf which would ultimately be gathered and delivered under the exchange agreement.

Docket No. G-15251—Pioneer Gathering System, Inc., (Pioneer), filed an application on June 10, 1958, for a certificate of public convenience and necessity authorizing an exchange of natural gas with El Paso Natural Gas Company (El Paso). El Paso owns or controls under contract certain reserves in the Vinegarone Field, Val Verde County, Texas. El Paso estimates the deliverability of these reserves to be ap-

proximately 16,100 Mcf per day on a yearly average (maximum of 30,000 Mcf per day). Under the exchange agreement, dated February 11, 1959, Pioneer is to construct and operate a gathering system to collect the gas and is to transport the gas approximately 35 miles over its existing 12-inch and 16-inch line (constructed pursuant to temporary authorization issued in Docket No. G-11548) to the point in Schleicher County, Texas, where the line intersects El Paso's existing 20-inch Sonora pipeline. At the point of intersection Pioneer is to construct a "balancing inter-connection" between the existing lines.

Pioneer estimates the cost of the gathering facilities to be \$76,800 and the cost of the "balancing inter-connection" to be \$8,500. According to the estimates of deliverability, Pioneer will gather and transport for El Paso from the Vinegarone Field an average of 12,647 to 14,400 Mcf per day more than El Paso gathers and transports for Pioneer from the Sonora Field. For this excess El Paso will pay Pioneer a gathering and transportation charge of 1 3/4 cents per Mcf, which will amount to an estimated \$92,500 revenue to Pioneer for 1959, the first full year of operation.

The following independent producers of natural gas have each filed an application for a certificate of public convenience and necessity authorizing the sale to El Paso of natural gas produced from the Vinegarone Field for transportation in interstate commerce for resale. The gas is to be delivered into the gathering facilities of Pioneer for redelivery to El Paso pursuant to the exchange agreement. Each applicant has executed a contract with El Paso covering his respective sale. In each case the sale price is to be 12.5 cents per Mcf.

Docket No.	Applicant	Applicant's related rate schedule
G-14840	Humble Oil & Refining Co.	124
G-15300	Western Natural Gas Co.	23
G-15331	Harvey J. Weir, Sr.	1
G-15332	Joe R. Weir	1
G-15333	Paula R. Hicks (Individually and as Tutrix for Dale G. Weir and Paula J. Weir)	1
G-15334	F. E. Fuseller, Trustee	1
G-15349	Ash Robinson	1
G-15369	M. N. Stafford, Jr.	1
G-15383	M. N. Stafford	1

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1)

or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-8225; Filed, Oct. 6, 1958;
8:48 a. m.]

[Docket No. G-15416]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

OCTOBER 2, 1958.

Take notice that on July 3, 1958, United Fuel Gas Company (Applicant) filed in Docket No. G-15416 an application, pursuant to section 7 (b) of the Natural Gas Act, for authority to abandon its 300-horsepower Grapevine Compressor Station, including all buildings and machinery, located in Poca District, Kanawha County, West Virginia, all as more fully set forth in the application and exhibits, which are on file with the Commission and open to public inspection.

Applicant states that the aforesaid compressor facilities, authorized in 1951 in Docket No. G-1424, and formerly used to increase the pressure of natural gas received from Tennessee Gas Transmission Company facilities for input into certain storage pools, are no longer needed by reason of the subsequent construction of a high pressure 20-inch transmission line in this area, from which gas can be utilized to supply these storage pools without the need for the subject compressor facilities which Applicant proposes to retire and salvage.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under

the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-8226; Filed, Oct. 6, 1958;
8:48 a. m.]

[Docket Nos. G-15149, G-15255]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

OCTOBER 2, 1958.

Take notice that Tennessee Gas Transmission Company (Applicant), filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

In its application filed on May 23, 1958, in Docket No. G-15149, Applicant seeks authority to sell natural gas in interstate commerce to United Gas Pipe Line Company for resale from production in the Cowards Gulley Field (DeQuincy area), Beauregard and Calcasieu Parishes, Louisiana, pursuant to a gas sales contract dated April 24, 1958.

The application filed on June 9, 1958, in Docket No. G-15255, seeks authority to sell additional gas in interstate commerce to Colorado Interstate Gas Company, for resale from production on the Otto Carl Barby Lease, S. E. Mocane Field, Beaver County, Oklahoma, pursuant to a basic gas sales contract dated March 5, 1957, as amended July 1, 1957.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the pro-

ceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-8227; Filed Oct. 6, 1958;
8:49 a. m.]

[Project No. 2211]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE OF APPLICATION FOR LICENSE

OCTOBER 2, 1958.

Public notice is hereby given that Public Service Company of Indiana, Inc., of Plainfield, Indiana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2211, to be known as the Markland Hydroelectric Project and located on the Ohio River in Switzerland County, Indiana, and to consist of a powerhouse with installed capacity of 81,000 kilowatts forming an extension at the Indiana end of the proposed Markland Navigation Dam (to be constructed by the Corps of Engineers, United States Department of the Army); a 90,000 kva substation 250 feet north of the powerhouse; and a 132 kv transmission line approximately ten miles long extending from the substation at the project to Fairview, Indiana.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is November 10, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-8228; Filed, Oct. 6, 1958;
8:49 a. m.]

[Docket No. G-16339]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1958.

Phillips Petroleum Company, Operator, et al. (Phillips), on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the

jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Contract, dated July 1, 1958. Notice of Change, dated August 27, 1958.

Purchaser: Lone Star Gas Company.
Rate schedule designation: Phillips' FPC Gas Rate Schedule No. 324¹ Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 324.

Effective date: October 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the renegotiated increased rate, Phillips states that the proposed rate is not unjust or unreasonable, that producers are entitled to rates which return costs plus a fair return on investment, and that to allow less would be confiscatory. Phillips also refers to evidence submitted in another proceeding purporting to show that the increased rate is necessary to provide a fair return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Phillips' FPC Gas Rate Schedule No. 324 and Supplement No. 1 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Phillips' FPC Gas Rate Schedule No. 324 and Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 324.

(B) Pending such hearing and decision thereon, said schedule and supplement be and they are hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the schedule nor supplement hereby suspended shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8237; Filed, Oct. 6, 1958; 8:51 a. m.]

¹ Supersedes Phillips' FPC Gas Rate Schedule No. 159.

[Docket No. G-16396]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

SEPTEMBER 26, 1958.

Sun Oil Company (Operator), et al. (Sun) on August 28, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated August 27, 1958.

Purchaser: West Lake Natural Gasoline Company.

Rate schedule designation: Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100.

Effective date: September 28, 1958 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increases Sun states that the contract was negotiated at arm's length and was designated to achieve a fair average price for the gas over the term of the contract. Sun states further that the pricing provisions constitute an integral part of the consideration upon which the gas sales contract was based and that the proposed price does not exceed the value of the gas in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100 be and it is hereby suspended and the use thereof deferred until September 29, 1958, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8238; Filed, Oct. 6, 1958; 8:51 a. m.]

[Docket No. G-16397]

LYNN DRILLING CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Lynn Drilling Company (Lynn), on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 30, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 5 to Lynn's FPC Gas Rate Schedule No. 3.

Effective date: September 29, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Lynn submitted a letter, dated May 2, 1958, from Lone Star Gas Company (Lone Star) which stated that certain of Lone Star's gas purchase contracts provided for 14.0 cents per Mcf in northeast Texas and proposed to pay Lynn that level of rate effective as of July 1, 1958. Lone Star, by letter dated June 18, 1958, confirms that the triggering contracts pertain to intrastate sales.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 5 to Lynn's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Lynn's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and

it hereby is suspended and the use thereof deferred until February 28, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8239; Filed, Oct. 6, 1958;
8:51 a. m.]

[Docket No. G-16324]

HARWAY PRODUCERS, INC.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

SEPTEMBER 29, 1958.

Harway Producers, Inc. (Harway) on September 2, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Harway's FPC Gas Rate Schedule No. 8.

Effective date: October 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated

¹ Supplement No. 2 to Harway's FPC Gas Rate Schedule No. 8 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15941, and is now in effect subject to refund.

and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Harway's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Harway's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8240; Filed, Oct. 6, 1958;
8:51 a. m.]

[Docket No. G-16325]

CRESCENT PRODUCTION CO., INC.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

SEPTEMBER 29, 1958.

Crescent Production Company, Inc. (Crescent) on September 2, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1958.

¹ Supplement No. 2 to Crescent's FPC Gas Rate Schedule No. 8 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15932, and is now in effect subject to refund.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Crescent's FPC Gas Rate Schedule No. 8.

Effective date: October 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Crescent's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Crescent's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8241; Filed, Oct. 6, 1958;
8:52 a. m.]

[Docket No. G-16340]

JAMES A. HUNTER

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 29, 1958.

James A. Hunter (Respondent), on September 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: October 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge proposed in said Notice of Change is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on July 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until October 4, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order the Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refunds as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the supplement herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the supplement to Respondent's FPC Gas Rate Schedule as herein designated.

(B) Pending such hearing and decision thereon, said Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1 and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the aforementioned supplement to Respondent's FPC Gas Rate Schedule shall be effective as of October 4, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed to become effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of John A. Hunter to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No.

G-16340, James A. Hunter hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for said purpose has executed this agreement and undertaking this _____ day of _____.

JAMES A. HUNTER

By _____

Witness:

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make such refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8242; Filed, Oct. 6, 1958; 8:52 a. m.]

[Docket No. G-16341]

PLACID OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 29, 1958.

Placid Oil Company (Operator) et al. (Respondent), on September 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 14.¹

Effective date: September 11, 1958 (effective date is the first day after expiration of the thirty days' notice provided by petition filed at Docket No. G-15371).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Re-

¹ Rate Schedule No. 14 subject to further orders at Docket Nos. G-15371 and G-15754.

vised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 12, 1958, and thereafter to permit it to become effective as of that date; provided that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 12, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 12, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge* and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent

per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Placid Oil Company (Operator), et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-16341, Placid Oil Company (Operator) et al., hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

PLACID OIL COMPANY (Operator), et al.,

By _____

Attent: _____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be

discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8243; Filed, Oct. 6, 1958;
8:52 a. m.]

[Docket No. G-16343]

GEORGE C. MCGHEE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 29, 1958.

George C. McGhee (Operator), et al (Respondent), on September 5, 1958, tendered for filing proposed changes in its presently effective rate schedules* for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: October 6, 1958 (effective date is the first day after expiration of the required 30-days' notice).

The increased rates and charges proposed in each said Notice of Change are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on July 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until October 7, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order the Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refunds as may be ordered.

*These rates are presently in effect subject to refund in Docket Nos. G-11651 and G-11846.

*This is without prejudice as to future findings and orders at Docket Nos. G-15371 and G-15754, or at any other proceeding which may be instituted by or against Placid Oil Company.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondent's FPC Gas Rate Schedules as herein designated.

(B) Pending such hearing and decision thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until October 7, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondent's FPC Gas Rate Schedules shall be effective as of October 7, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received

by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the dates upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of George C. McGhee (Operator), et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-16349, George C. McGhee (Operator), et al. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for said purpose has executed this agreement and undertaking this _____ day of _____

GEORGE C. MCGHEE (operator), et al.

By _____

Witness:

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make such refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8244; Filed, Oct. 6, 1958; 8:52 a. m.]

[Docket No. G-16405]

TEXAS GAS TRANSMISSION CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 29, 1958.

Texas Gas Transmission Corporation (Texas Gas), on August 15, 1958, tendered for filing 38 revised tariff sheets¹ to its FPC Gas Tariff, Second Revised Volume No. 1, by which Texas Gas proposes to increase its rates for sale of gas in the amount of \$1,258,876 annually for gas sold under its filed tariff. The 4.1 mill incremental increase in rate is proposed to be uniformly added to the straight commodity rates and to the commodity component of the two-part rates effective as of September 30, 1958.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "exercise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until October 1, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Texas Gas shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The increased rates and charges provided in said tariff sheets as tendered on August 15, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The aforementioned Fourth Revised Sheet Nos. 45 and 47 and Fifth Revised Sheet Nos. 49 and 51 to Texas Gas' FPC Gas Tariff, Second Revised No. 1, provided for the sale of natural gas for resale for industrial use only, and therefore, under the provisions of the Natural Gas Act, are not subject to suspension.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter

¹ Supplementary data tendered on September 8, 1958.

² First Revised Sheet Nos. 68-G, 68-H, 68-K and 68-L; Third Revised Sheet Nos. 68-A, 68-B, 68-E, 68-F; Fourth Revised Sheet Nos. 45, 47, 79-I and 79-J; Fifth Revised Sheet Nos. 5, 11, 29, 33, 49, 51, 53, 55, 61 and 63; Sixth Revised Sheet Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; and Seventh Revised Sheet Nos. 39 and 43 to its FPC Gas Tariff, Second Revised Volume No. 1.

upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be changed by the revised tariff sheets tendered on August 15, 1958; and that First Revised Sheet Nos. 68-G, 68-H, 68-K and 68-L; Third Revised Sheet Nos. 68-A, 68-B, 68-E and 68-F; Fourth Revised Sheet Nos. 79-I and 79-J; Fifth Revised Sheet Nos. 5, 11, 29, 33, 53, 55, 61 and 63; Sixth Revised Sheet Nos. 17, 23, 31, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; and Seventh Revised Sheet Nos. 39 and 43 to its FPC Gas Tariff, Second Revised Volume No. 1 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Texas Gas' proposed increased rates be made effective as hereinafter provided and that Texas Gas be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Fourth Revised Sheet Nos. 45 and 47 and Fifth Revised Sheet No. 49 and 51 are accepted for filing and declared effective as of September 30, 1958.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classification, and services, contained in Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be changed by the aforesaid revised tariff sheets tendered for filing on August 15, 1958.

(C) Pending hearing and decision thereon, said First Revised Sheets Nos. 68-G, 68-H, 68-K and 68-L; Third Revised Sheet Nos. 68-A, 68-B, 68-E and 68-F; Fourth Revised Sheet Nos. 79-I and 79-J; Fifth Revised Sheet Nos. 5, 11, 29, 33, 53, 55, 61 and 63; Sixth Revised Sheet Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; and Seventh Revised Sheet Nos. 39 and 43 to its FPC Gas Tariff, Second Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until October 1, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(D) The rates, charges, and classifications set forth in the revised tariff sheets set out in the aforementioned paragraph (C) shall be effective as of October 1, 1958; *Provided, however*, That within 20 days from the date of this order Texas Gas shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (F) below.

(E) Texas Gas shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges¹

and the proposed increased rates and charges hereby allowed to become effective² in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Texas Gas herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Texas Gas shall bear all costs of any such refundings; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order to become effective, and under the rates allowed by this order to become effective together with the differences in the revenues so computed.

(F) As a condition of this order, within 20 days from the date of issuance thereof, Texas Gas shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (E) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Texas Gas Transmission Corporation To Comply With the Terms and Conditions of Paragraph (E) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-_____, Texas Gas Transmission Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (E) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this day of _____

TEXAS GAS TRANSMISSION CORPORATION,

By _____

Attest: _____

Unless Texas Gas is advised to the contrary within 15 days after the date of filing such agreement and undertaking,

Nos. G-10751 and G-12823, or any other proceeding now pending or hereafter instituted by or against Texas Gas.

²Excluding those contained in Fourth Revised Sheet Nos. 45 and 47 and Fifth Revised Sheet Nos. 49 and 51.

the agreement and undertaking shall be deemed to have been accepted.

(G) If Texas Gas shall, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(H) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by this Commission.

(I) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8245; Filed, Oct. 6, 1958; 8:52 a. m.]

[Docket Nos. G-16401, G-12196]

ATLANTIC SEABOARD CORP.

ORDER FOR HEARING, ETC.

SEPTEMBER 30, 1958.

Atlantic Seaboard Corporation (Atlantic) on August 20, 1958, tendered for filing certain tariff sheets, comprising its proposed Rate Schedules CDS-PR-1 and CDS-PR-2, to its FPC Gas Tariff, Seventh Revised Volume No. 1. The proposed CDS-PR Schedules would apply to both present and future customers which purchase part of their gas requirements from "other sources" than Atlantic. The term "other sources", as so used, is not intended to include temporary emergency suppliers, peak day suppliers if takes from Atlantic are not cut back, suppliers of boiler fuel gas, or local independent producers. The proposed schedules contain the same monthly demand and commodity rates that are now being collected, subject to refund under Docket No. G-12196, from all-requirements customers. The proposed minimum bill, however, is expanded to include a monthly demand charge and also a minimum monthly commodity charge and a minimum annual commodity charge, in comparison to a minimum bill comprised only of the demand charge in Atlantic's CDS-1 and CDS-2 rate schedules applicable to all-requirements customers.

Atlantic intends that the tariff changes proposed by the aforesaid tender of August 20, 1958, be made effective on October 1, 1958. Atlantic also requests that any proceedings before the Commission with respect to these proposed changes be consolidated for the purposes of hearing with the proceedings in Docket No. G-12196 heretofore ordered to be held with respect to other changes in rates, charges, classifications,

¹Consisting of Original Sheets Nos. 2, 16, 16A, 16B, 16C, 16D, 16E, 16F, 17, 17A, 17B, 17C, 17D, 17E, 17F, 39, 63 and 64, First Revised Sheets Nos. 6, 11, 21, 23, 25, 27, 40 and 57, and Second Revised Sheet No. 1.

²This is without prejudice as to future Commission findings and orders at Docket No. 196—4

or services previously tendered by Atlantic.

In support of the proposal, Atlantic states that: "This filing does not involve a change in the level of rates to Seller's contract demand customers; nor will it cause an increase in the cost of gas obtained from Seller unless a customer should change his historical purchased gas load pattern from Seller by taking gas from Other Sources and should in so doing fail to take from Seller the amount of gas at which the Minimum Commodity Charges contained in Rate Schedules CDS-PR-1 and CDS-PR-2 are set."

Atlantic further states that recently certain wholesale customers of the Columbia System, with which Atlantic is affiliated, have sought to obtain part of their requirements from "other sources." For this reason Atlantic states that the broad purposes of the changes are:

(i) To protect Seller from impairment of its earning power and resultant damage when Buyer acquires gas from Other Sources at high load factors and takes from Seller only the low load factor portion of Buyer's business, being primarily the winter peak portion.

(ii) To protect Seller's other customers from the resultant increase in cost of service to them by reason of Seller's reduced volumes of sales and resultant reduced load factor, notwithstanding the continuing fixed costs necessarily incurred to meet the Buyer's peak loads.

The proposed changes in rates, charges, classification, or services provided for in the tariff sheets tendered by Atlantic on August 20, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is also questionable whether, under the decisions approving the contract demand form of rate for the Columbia Gas System affiliates, which includes Atlantic, the latter may properly have on file rate schedules applying the contract demand form of rate to partial requirements customers.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications, and services, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Atlantic's proposed tariff sheets be made effective as hereinafter provided.

(3) Good cause exists for consolidating this proceeding with the proceedings in Docket No. G-12196.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness

of the proposed rates, charges, classifications, and services contained in the above-designated tariff sheets.

(B) Pending such hearing and decision thereon, Original Sheets Nos. 2, 16, 16A, 16B, 16C, 16D, 16E, 16F, 17, 17A, 17B, 17C, 17D, 17E, 17F, 39, 63 and 64, First Revised Sheets Nos. 6, 11, 21, 23, 25, 27, 40 and 57, and Second Revised Sheet No. 1, all to Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of October 2, 1958: *Provided, however, That, within 20 days from the date of this order, Atlantic shall file a motion as required by section 4 (e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.*

(D) Atlantic shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Atlantic until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of October 2, 1958, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 14, 1957 (date the proposed rates in Docket No. G-12196 became effective subject to refund), and under rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Atlantic shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of Atlantic Seaboard Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Tariff Sheets

In conformity with the requirements of the order issued September 30, 1958, in Docket Nos. G-16401 and G-12196, Atlantic Seaboard Corporation hereby agrees and undertakes to comply with the terms and conditions of

paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 1958.

ATLANTIC SEABOARD CORPORATION,
By _____
(President)

Attest:

(Secretary)

(F) If Atlantic shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) This proceeding, initiated by this order, and the proceedings in Docket No. G-12196 hereby are consolidated for purposes of hearing.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8246; Filed, Oct. 6, 1958;
8:53 a. m.]

[Docket Nos. G-16402, G-12198]

HOME GAS CO.

ORDER FOR HEARING, ETC.

SEPTEMBER 30, 1958.

Home Gas Company (Home), on August 20, 1958, tendered for filing certain tariff sheets, comprising its proposed Rate Schedule CDS-PR, to its FPC Gas Tariff, Third Revised Volume No. 1. The proposed CDS-PR Schedule would apply to both present and future customers which purchase part of their gas requirements from "other sources" than Home. The term "Other sources", as so used, is not intended to include temporary emergency suppliers, peak day suppliers, if taken from Home are not cut back, suppliers of boiler fuel gas, or local independent producers. The proposed schedules contain the same monthly demand and commodity rates that are now being collected, subject to refund under Docket No. G-12198, from all requirements customers. The proposed minimum bill, however, is expanded to include a monthly demand charge and also a minimum monthly commodity charge and a minimum annual commodity charge, in comparison to a minimum bill comprised only of the demand charge in Home's CDS-1 rate schedule applicable to all requirements customers.

Home intends that the tariff changes proposed by the aforesaid tender of August 20, 1958, be made effective on October 1, 1958. Home also requests that any proceedings before the Commission with respect to these proposed changes be consolidated for the purposes of hearing with the proceedings in Docket No. G-12198 heretofore ordered to be held with

¹Consisting of Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 67, and 68, and First Revised Sheets Nos. 1, 6, 21, 40, and 55.

respect to other changes in rates, charges, classifications or services previously tendered by Home.

In support of the proposal, Home states that: "This filing does not involve a change in the level of demand and commodity rates to Seller's CDS customers but does provide for minimum monthly and annual commodity payments under Seller's CDS-PR Rate Schedule. Such minimum payments are not applicable under the CDS-1 Rate Schedule. Nor will the new Rate Schedule cause an increase in the cost of gas obtained from Seller unless a customer should reduce its monthly and annual purchased gas load factor from Seller, within the limits prescribed by the CDS-PR Rate Schedule."

Home further states that recently certain wholesale customers of the Columbia System, with which Home is affiliated, have sought to obtain part of their requirements from "other sources". For this reason Home states that the broad purposes of the changes are:

(i) To protect Seller from impairment of its earning power and resultant damage due to the rate-making time lag, when Buyer acquires gas from Other Sources at high load factors and takes from Seller only the low load factor portion of Buyer's business, being primarily the winter peak portion.

(ii) To protect Seller's other customers which take service under Rate Schedules other than CDS-PR, from the resultant increase in cost of service to them by reason of Seller's reduced volumes of sales and resultant reduced load factor, notwithstanding the continuing fixed costs necessarily incurred to meet the Buyer's peak loads.

The proposed changes in rates, charges, classification, or services provided for in the tariff sheets tendered by Home on August 20, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is also questionable whether, under the decisions approving the contract demand form of rate for the Columbia Gas System affiliates, which includes Home, the latter may properly have on file rate schedules applying the contract demand form of rate to partial-requirements customers.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications, and services, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Home's proposed tariff sheets be made effective as hereinafter provided.

(3) Good cause exists for consolidating this proceeding with the proceedings in Docket No. G-12198.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections

4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates, charges, classifications, and services contained in the above-designated tariff sheets.

(B) Pending such hearing and decision thereon, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 67 and 68, and First Revised Sheets Nos. 1, 6, 21, 40 and 55, all to Home's FPC Gas Tariff, Third Revised Volume No. 1, are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of October 2, 1958: *Provided, however*, That, within 20 days from the date of this order, Home shall file a motion as required by section 4 (e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Home shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Home until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of October 2, 1958, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 14, 1957 (date the proposed rates in Docket No. G-12198 became effective subject to refund), and under rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Home shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of Home Gas Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Tariff Sheets

In conformity with the requirements of the order issued September 30, 1958, in

Docket Nos. G-16402 and G-12198, Home Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ____ day of _____, 1958.

HOME GAS COMPANY,

By _____
(President)

Attest:

(Secretary)

(F) If Home shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) This proceeding, initiated by this order, and the proceedings in Docket No. G-12198 hereby are consolidated for purposes of hearing.

By the Commission.

[SEAL]

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8247; Filed, Oct. 6, 1958; 8:53 a. m.]

[Docket Nos. G-16403, G-12199]

KENTUCKY GAS TRANSMISSION CORP.

ORDER FOR HEARING, ETC.

SEPTEMBER 30, 1958.

Kentucky Gas Transmission Corporation (Kentucky) on August 20, 1958, tendered for filing certain tariff sheets¹ comprising its proposed Rate Schedule CDS-PR to its FPC Gas Tariff, First Revised Volume No. 1. The proposed CDS-PR Schedule would apply to both present and future customers which purchase part of their gas requirements from "other sources" than Kentucky. The term "other sources", as so used, is not intended to include temporary emergency suppliers, peak day suppliers if taken from Kentucky are not cut back, suppliers of boiler fuel gas, or local independent producers. The proposed schedule contains the same monthly demand and commodity rates that are now being collected, subject to refund under Docket No. G-12199, from all-requirements customers. The proposed minimum bill, however, is expanded to include a monthly demand charge and also a minimum monthly commodity charge and a minimum annual commodity charge, in comparison to a minimum bill comprised only of the demand charge in Kentucky's CDS-1 rate schedule applicable to all-requirements customers.

Kentucky intends that the tariff changes proposed by the aforesaid tender of August 20, 1958, be made effective on October 1, 1958. Kentucky also requests that any proceedings before the Commission with respect to those proposed

¹ Consisting of Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67 and 68, and First Revised Sheets Nos. 1, 6, 21, 40 and 55.

changes be consolidated for the purposes of hearing with the proceedings in Docket No. G-12199 heretofore ordered to be held with respect to other changes in rates, charges, classifications, or services previously tendered by Kentucky.

In support of the proposal, Kentucky states that: "This filing does not involve a change in the level of rates to Seller's contract demand customers; nor will it cause an increase in the cost of gas obtained from Seller unless a customer should change his historical purchased gas load pattern from Seller by taking gas from Other Sources and should in so doing fail to take from Seller the amount of gas at which the Minimum Commodity Charges contained in Rate Schedule CDS-PR are set."

Kentucky further states that recently certain wholesale customers of the Columbia System, with which Kentucky is affiliated, have sought to obtain part of their requirements from "other sources". For this reason Kentucky states that the broad purposes of the changes are:

(1) To protect Seller from impairment of its earning power and resultant damage when Buyer acquires gas from Other Sources at high load factors and takes from Seller only the low load factor portion of Buyer's business, being primarily the winter peak portion.

(2) To protect Seller's other customers from the resultant increase in cost of service to them by reason of Seller's reduced volumes of sales and resultant reduced load factor, notwithstanding the continuing fixed costs necessarily incurred to meet the Buyer's peak loads.

The proposed changes in rates, charges, classification, or services provided for in the tariff sheets tendered by Kentucky on August 20, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is also questionable whether, under the decisions approving the contract demand form of rate for the Columbia Gas System affiliates, which includes Kentucky, the latter may properly have on file rate schedules applying the contract demand form of rate to partial requirements customers.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications, and services, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Kentucky's proposed tariff sheets be made effective as hereinafter provided.

(3) Good cause exists for consolidating this proceeding with the proceedings in Docket No. G-12199.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates, charges, classifications, and services contained in the above-designated tariff sheets.

(B) Pending such hearing and decision thereon, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67 and 68, and First Revised Sheets Nos. 1, 6, 21, 40 and 55, all to Kentucky's FPC Gas Tariff, First Revised Volume No. 1, are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of October 2, 1958: *Provided, however, That, within 20 days from the date of this order, Kentucky shall file a motion as required by section 4 (e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.*

(D) Kentucky shall refund at such times and such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Kentucky until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of October 2, 1958, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 14, 1957 (date the proposed rates in Docket No. G-12199 became effective subject to refund), and under rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Kentucky shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of Kentucky Gas Transmission Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Tariff Sheets.

In conformity with the requirements of the order issued September 30, 1958, in

Docket Nos. G-16403 and G-12199, Kentucky Gas Transmission Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 1958.

KENTUCKY GAS TRANSMISSION CORPORATION,

By _____ (President)

Attest: _____ (Secretary)

(F) If Kentucky shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) This proceeding, initiated by this order, and the proceedings in Docket No. G-12199 hereby are consolidated for purposes of hearing.

By the Commission.

[SEAL] MICHAEL J. FARRELL, Acting Secretary.

[F. R. Doc. 58-8248; Filed, Oct. 6, 1958; 8:53 a.m.]

[Docket Nos. G-16404, G-12197]

MANUFACTURERS LIGHT AND HEAT CO.
ORDER FOR HEARING ETC.

SEPTEMBER 30, 1958.

The Manufacturers Light and Heat Company (Manufacturers), on August 20, 1958, tendered for filing certain tariff sheets¹ comprising its proposed Rate Schedule CDS-PR to its FPC Gas Tariff, Fourth Revised Volume No. 1. The proposed CDS-PR Schedule would apply to both present and future customers which purchase part of their gas requirements from "other sources" than Manufacturers. The term "other sources", as so used, is not intended to include temporary emergency suppliers, peak day suppliers if takes from Manufacturers are not cut back, suppliers of boiler fuel gas, or local independent producers. The proposed schedules contain the same monthly demand and commodity rates that are now being collected, subject to refund under Docket No. G-12197, from all-requirements customers. The proposed minimum bill, however, is expanded to include a monthly demand charge and also a minimum monthly commodity charge and a minimum annual commodity charge, in comparison to a minimum bill comprised only of the demand charge in Manufacturers' CDS-1 rate schedule applicable to all-requirements customers.

Manufacturers intends that the tariff changes proposed by the aforesaid tender of August 20, 1958, be made effective on October 1, 1958. Manufacturers also re-

¹ Consisting of Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67 and 68, and First Revised Sheets Nos. 1, 6, 21, 40 and 55.

quests that any proceedings before the Commission with respect to those proposed changes be consolidated for the purposes of hearing with the proceedings in Docket No. G-12197 heretofore ordered to be held with respect to other changes in rates, charges, classifications, or services previously tendered by Manufacturers.

In support of the proposal, Manufacturers states that: "This filing does not involve a change in the level of demand and commodity rates to Seller's CDS customers but does provide for minimum monthly and annual commodity payments under Seller's CDS-PR Rate Schedule. Such minimum payments are not applicable under the CDS-1 Rate Schedule. Nor will the new Rate Schedule cause an increase in the cost of gas obtained from Seller unless a customer should reduce its monthly and annual purchased gas load factor from Seller, within the limits prescribed by the CDS-PR Rate Schedule".

Manufacturers further states that recently certain wholesale customers of the Columbia System, with which Manufacturers is affiliated, have sought to obtain part of their requirements from "other sources". For this reason Manufacturers states that the broad purposes of the changes are:

(i) To protect Seller from impairment of its earning power and resultant damage due to the rate-making time lag, when Buyer acquires gas from Other Sources at high load factors and takes from Seller only the low load factor portion of Buyer's business, being primarily the winter peak portion.

(ii) To protect Seller's other customers which take service under Rate Schedules other than CDS-PR, from the resultant increase in cost of service to them by reason of Seller's reduced volumes of sales and resultant reduced load factor, notwithstanding the continuing fixed costs necessarily incurred to meet the Buyer's peak load.

The proposed changes in rates, charges, classification, or services provided for in the tariff sheets tendered by Manufacturers on August 20, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is also questionable whether, under the decisions approving the contract demand form of rate for the Columbia Gas System affiliates, which includes Manufacturers, the latter may properly have on file rate schedules applying the contract demand form of rate to partial-requirements customers.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications, and services, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Manufac-

turers' proposed tariff sheets be made effective as hereinafter provided.

(3) Good cause exists for consolidating this proceeding with the proceedings in Docket No. G-12197.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates, charges, classifications, and services contained in the above-designated tariff sheets.

(B) Pending such hearing and decision thereon, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67 and 68, and First Revised Sheets Nos. 1, 6, 21, 40 and 55, all to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of October 2, 1958: *Provided, however*, That, within 20 days from the date of this order, Manufacturers shall file a motion as required by section 4 (e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Manufacturers shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Manufacturers until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of October 2, 1958, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 14, 1958 (date the proposed rates in Docket No. G-12197 became effective subject to refund), and under rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Manufacturers shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied

by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of The Manufacturers Light and Heat Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Tariff Sheets

In conformity with the requirements of the order issued September 20, 1958, in Docket Nos. G-16404 and G-12197, The Manufacturers Light and Heat Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ____ day of _____, 1958.

THE MANUFACTURERS LIGHT
AND HEAT COMPANY,

By _____
(President)

Attest:

(Secretary)

(F) If Manufacturers shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) This proceeding, initiated by this order, and the proceedings in Docket No. G-12197 hereby are consolidated for purposes of hearing.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8249; Filed, Oct. 6, 1958;
8:53 a. m.]

[Docket No. G-16321]

GENERAL AMERICAN OIL COMPANY OF
TEXAS ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

OCTOBER 1, 1958.

General American Oil Company of Texas, Operator, et al. (General American) on September 2, 1958, tendered for filing proposed changes in its presently effective rate schedules¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Changes, dated August 25, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1A. Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1A.

¹ Supplement No. 4 to General American's FPC Gas Rate Schedule No. 1 and Supplement No. 4 to General American's FPC Rate Schedule No. 1A (Louisiana gathering tax increases), were suspended until August 2, 1958, in Docket Nos. G-15758 and G-15682, respectively, and are now in effect subject to refund.

Effective date: October 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rates shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1 and Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1A be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1 and Supplement No. 5 to General American's FPC Gas Rate Schedule No. 1A.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[P. R. Doc. 58-8250; Filed, Oct. 6, 1958; 8:54 a. m.]

[Docket No. G-16322]

GENERAL AMERICAN OIL COMPANY OF TEXAS

**ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES**

OCTOBER 1, 1958.

General American Oil Company of Texas (General American) on September 2, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 23, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to General American's FPC Gas Rate Schedule No. 3.

Effective date: October 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to General American's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. D), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 5 to General American's FPC Gas Rate Schedule No. 3.

¹ Supplement No. 4 to General American's FPC Gas Rate Schedule No. 3 (Louisiana gathering tax increase), was suspended until August 2, 1958 in Docket No. G-15677, and is now in effect subject to refund.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[P. R. Doc. 58-8251; Filed, Oct. 6, 1958; 8:54 a. m.]

[Docket No. G-16409]

CRESCENT PRODUCTION CO., INC., ET AL.

**ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE**

OCTOBER 2, 1958.

Crescent Production Company, Inc., et al. (Crescent) on September 2, 1958, tendered for filing a proposed change in his presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Roberts' FPC Gas Rate Schedule No. 1.

Effective date: October 3, 1958 (effective date is the first day after the expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Crescent merely cites the pertinent pricing provision of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final

¹ Supplement No. 3 to Crescent's FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15931, and is now in effect subject to refund.

judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and that only such tax increment of the proposed increased rate shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Crescent's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Crescent's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8252; Filed, Oct. 6, 1958;
8:54 a. m.]

[Docket No. G-16411]

CRESCENT PRODUCTION CO., INC., ET AL.
ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 2, 1958.

Crescent Production Company, Inc., et al. (Crescent) on September 2, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

* Supplement No. 3 to Crescent's FPC Gas Rate Schedule No. 11 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15931, and is now in effect subject to refund.

Description: Notice of Change, August 29, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 4 to Crescent's FPC Gas Rate Schedule No. 11.

Effective date: October 3, 1958 (effective date is the first day after the expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Crescent merely cites the pertinent pricing provision of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and that only such tax increment of the proposed increased rate shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Crescent's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Crescent's FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-8253; Filed, Oct. 6, 1958;
8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34998: *Petroleum from Southwest to Minnesota*. Filed by Southwestern Freight Bureau, Agent (No. B-7387), for interested rail carriers. Rates on petroleum, petroleum products and related articles, carloads from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to Nopeming, Como Oil Spur, and Harney, Minn.

Grounds for relief: Market competition and grouping.

Tariff: Supplement 30 to Southwestern Lines tariff I. C. C. 4279.

FSA No. 34999: *Sugar from North Atlantic ports to Indianapolis, Ind., and Cincinnati, Ohio*. Filed by O. E. Schultz, Agent (ER No. 2463), for interested rail carriers. Rates on sugar, beet or cane, and sugar, beet or cane, liquid, not colored, flavored, or medicated, carloads from Baltimore, Md., Norfolk, Va., Philadelphia, Pa., Boston, Mass., Albany and New York, N. Y., to Indianapolis, Ind., and Cincinnati, Ohio.

Grounds for relief: Market competition.

Tariffs: Supplement 15 to Trunk Line Territory tariff I. C. C. A-1087. Supplement 47 to New England Territory Railroads Tariff Bureau tariff I. C. C. 573.

FSA No. 35000: *Lime from Roberta, Ala., to the midwest*. Filed by O. W. South, Jr., Agent (SFA No. A3734), for interested rail carriers. Rates on lime, common, hydrated, quick or slack, in bulk or in packages, carloads from Roberta, Ala., to points in Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Southern Freight Association tariff I. C. C. S-8.

FSA No. 35001: *Syrup between points in Illinois territory*. Filed by Illinois Freight Association, Agent (No. 26), for interested rail carriers. Rates on syrup, corn or wheat, unmixed (glucose), syrup, noibn (not medicated), and molasses, noibn, in bulk in barrels or drums and in tank cars, carloads between points in Illinois Freight Association territory, and between points in that territory, on the one hand, and

points in Southern Freight Association territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 35 to Illinois Freight Association tariff I. C. C. 899.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 58-8215; Filed, Oct. 6, 1958;
8:46 a. m.]

[Notice 33]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered

proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61279. By order of September 25, 1958, the Interstate Commerce Commission, Division 4 acting as an Appellate Division, approved the transfer to George Hildebrandt, Inc., Hudson, N. Y., of a portion of the operating rights in Certificate No. MC 110423, issued October 9, 1956, to Pine Hills Dispatch, Inc., authorizing the transportation of building materials, from Poughkeepsie, N. Y., to Shohola, Pa., from Farnams and Lee, Mass., to points in eight New York counties, and from points in New Jersey within 35 miles of Jersey City, N. J., to points in eleven New York Counties, with return of rejected shipments, the order of approval being conditioned on revocation of that portion of Certificate No. MC 110423, authorizing

the transportation of lime, from Lee and Farnams, Mass., to points in Delaware, Ulster, and Green Counties, N. Y., with return of rejected shipments. John J. Brady, Jr., 75 State Street, Albany 7, New York, for applicants.

No. MC-FC 61493. By order entered September 29, 1958, the Transfer Board approved the transfer to John Breuer, Inc., Lake Peekskill, New York, of permits in Nos. MC 72744 and MC 72744 Sub 1, issued July 6, 1943, and February 28, 1958, respectively, in the name of John Breuer, Lake Peekskill, New York, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies, used in the conduct of such business, between specified points in New York, Connecticut, and New Jersey. Bernard Goldberg, 19 Rector Street, New York 6, New York, for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 58-8216; Filed, Oct. 6, 1958;
8:47 a. m.]